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Ohio state archaeological and historical
quarterly.

OHIO

Archæological and Historical

PUBLICATIONS.

Volume IV.



COLUMBUS:
PUBLISHED FOR THE SOCIETY
BY
FRED. J. HEER.

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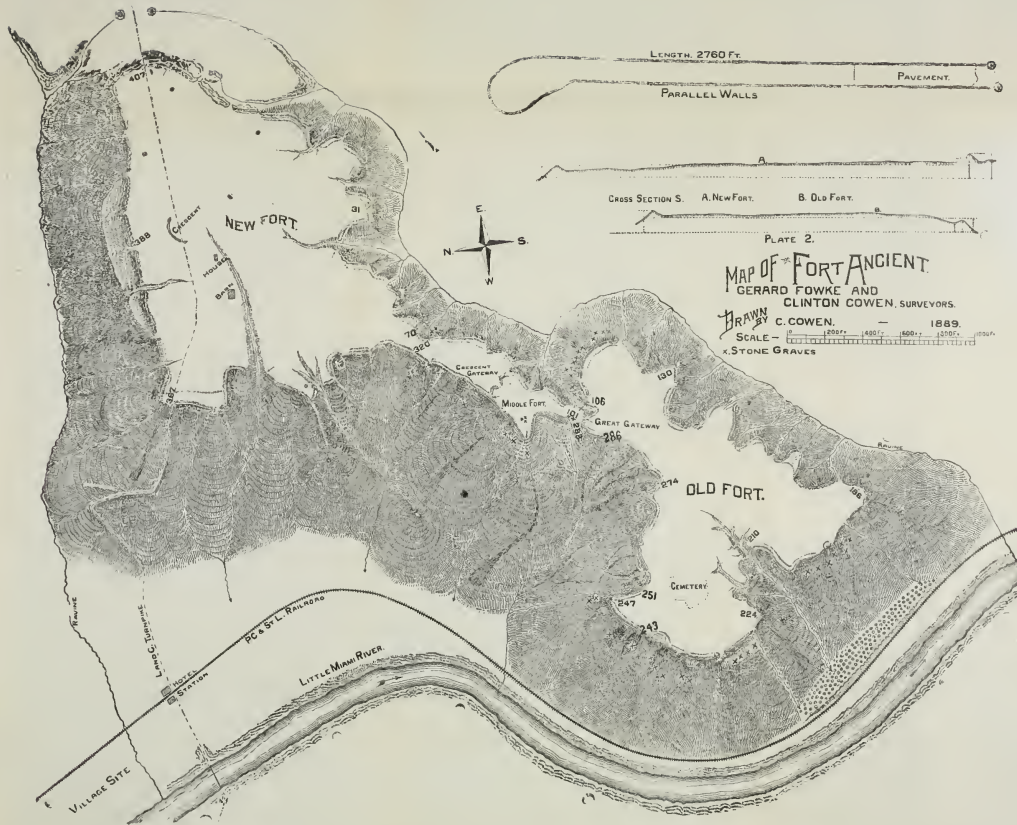
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OHIO STATE Archæological and Historical Society.

OFFICERS

FEBRUARY 15, 1895, TO FEBRUARY 15, 1896.

GEN. R. BRINKERHOFF, Mansfield.....	<i>President</i>
REV. WM. E. MOORE, Columbus.....	<i>Vice-President</i>
S. S. RICKLY, Columbus.....	<i>Treasurer</i>
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*MAJ. E. C. DAWES.....	Cincinnati
†PROF. N. S. TOWNSHEND.....	Columbus
PROF. G. F. WRIGHT.....	Oberlin
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REV. H. A. THOMPSON.....	Dayton
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APPOINTED BY THE GOVERNOR.

Mr. E. O. RANDALL, Columbus, 1896; Mr. A. H. SMYTHIE, Columbus, 1896; Hon. CHAS. P. GRIFFIN, Toledo, 1897; Hon. A. ROBESON, Greenville, 1897; Hon. W. J. GILMORE, Columbus, 1898; Mr. ISRAEL WILLIAMS, Hamilton, 1898.

All communications concerning the society should be addressed to E. O. RANDALL, Secretary, Columbus, Ohio.

* Deceased April 23, 1895.

† Deceased July 14 1895.

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PREFACE.

THE publication of Volume IV. is the fulfilment of a long delayed promise by the Society. The last issue, Volume III., appeared in 1891 and the intention was to publish Volume IV. the following year, 1892. But the efforts of the Society at that time became engrossed in the work of co-operating with the World's Fair Commissioners of Ohio in making the State exhibit at the Columbian Exposition. That exhibition was made and was every way creditable to the Society and an honor to the State. The exhibition occupied the attention of the Society throughout the year 1893 and the extra tax upon the Secretary, Mr. Graham, during that time contributed largely to the failure of his health and the necessity of his relinquishing his office and seeking a home in the West in December, 1893.

The part accomplished by the Society in the World's Fair was fully reported by the Secretary and published in a separate volume by the Society last year (1894). This report is a valuable addition to the literature of the Society.

It was the original purpose of the Society to devote Volume IV. exclusively to the history of the various disputes concerning the boundary lines of Ohio—but it was finally decided to give the volume wider scope and include the memorials of the two presidents of the Society who died since the issue of Volume III., and also include other papers of permanent interest and value.

The matter touching upon the boundary lines of Ohio embraces the questions arising between Ohio and the states of

Virginia, Kentucky, Indiana and Michigan respectively. All of the material on these subjects was collected by the former Secretary, Mr. Graham, and is herewith published as it came into the hands of the present Secretary. A detailed account of the dispute or rather uncertainty concerning the Ohio and Pennsylvania line is omitted as it is not of such historical interest or value and may be dismissed in a few words.

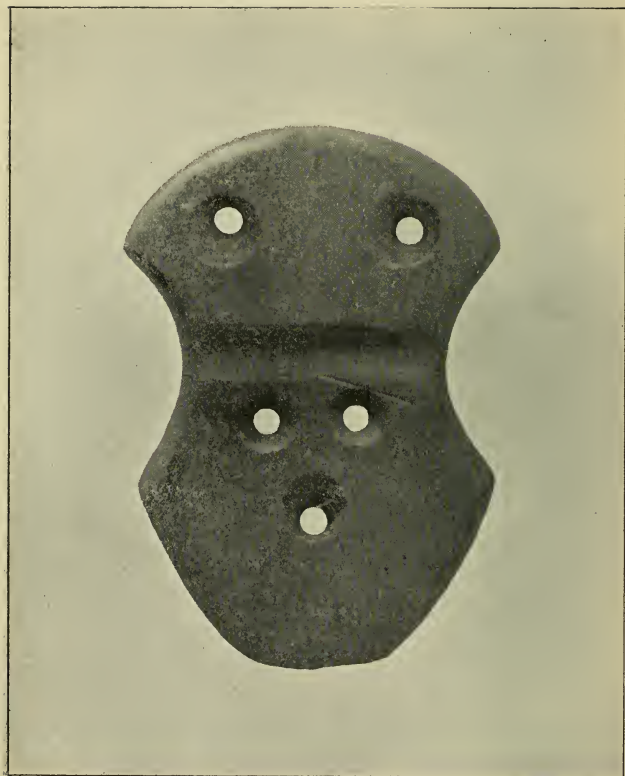
In May 1878 an act was passed by the General Assembly of Ohio, authorizing the Governor of Ohio to appoint a commission to act in conjunction with a commission similarly appointed by the Governor of Pennsylvania to examine "as to the true location of the monuments which mark the boundary line between the State of Ohio and the State of Pennsylvania, and in connection with said commission of the said State of Pennsylvania to replace any monuments that have been removed, or have become displaced or dilapidated, on the boundary line of said states." Section 8526-9 Revised Statutes of Ohio. This act was supplemented by the General Assembly, May 1879. Section 8526-13 Revised Statutes. In accordance with these enactments Governor Bishop appointed as such commission Messrs. Joseph M. Rickey, James Mackey and Henry B. Perkins. The commission on the part of Pennsylvania consisted of James Worrall, James McCullough and William M. Walker.

This joint commission reported to the State in February, 1883, and in April following their report was recognized and legalized by the General Assembly—Volume 80 Ohio Laws 386. Section 8626-13 Revised Statutes. A complete history of these proceedings including reports of the surveyors, maps and charts etc. was published by the state, 1883, in a volume for distribution. One thousand copies were issued. It was therefore thought unnecessary for the Society to reprint even a digest of this report.

Volume III. presented the proceedings of the Sixth Annual Meeting of the Society. In the volume (IV.) now issued, therefore, it has been necessary to cover the meetings from the Sixth (1891) to and including the present year (1895). The records of the annual meetings of the Society and Board of Trustees with reports to the Governor have been given as fully and accurately as possible, as it is recognized that the official records of a society, which is the beneficiary of the state, cannot be too complete nor too correct. These reports give ample evidence of the valuable character of the work the Society is accomplishing and of the personal interest and efficient care and management given its affairs by the Trustees and Officers. The Society has passed through its pioneer period. It is now in a most excellent condition of organization and prepared to do a work worthy its purpose. The subjects of Archæology and History pertaining to Ohio are deserving the liberal support of the State government. Models of Ft. Ancient are in the museums of England and Germany and within the past few months the publications of this Society have been requested by the government libraries of Sweden and of Turkey—not to speak of constant demand by similar societies and leading libraries throughout the United States.

E. O. RANDALL, *Secretary.*

Columbus, O , November 1895.



REVERSE OF FT. ANCIENT ORNAMENT. FULL SIZE.

OHIO

Archæological and Historical

PUBLICATIONS.

THE BEGINNING OF THE OHIO COMPANY AND THE SCIOTO PURCHASE.*

BY MAJOR E. C. DAWES.

The beginning of the year 1783 saw the Revolutionary war virtually at an end, although the final treaty of peace was not signed until September third. The colonies had achieved their independence at the price of the lives of many, and the fortunes of all of their defenders. The Continental currency, despite the fiat of the government, had long since ceased to be of value. Since 1780 all army supplies had been purchased with interest bearing notes, payable in coin, issued by the Quartermaster General by authority of Congress. These were known as "Continental specie certificates" and had depreciated to about one sixth their par value. The troops were about disbanded, there was no money to pay them. Many meetings were held among the officers and many plans for securing the arrearages of pay were discussed. All conferences came to the same conclusion. The United States had no credit upon which to borrow money, no power to enforce the collection of a tax, no property with which to pay its debts. The only apparent resource was the land west of the Alleghenies belonging to the Indians, the

* In preparing this paper I have made liberal extracts from an essay read by me before the Cincinnati Literary Club, in 1881, a few copies of which were printed. I have also used, with consent of the publisher, almost the whole of an article on the Scioto Purchase, published in the *Magazine of American History*, December 1889.

English claim to which had been ceded to the United States by the preliminary articles of peace made known in America in March, 1783. Even there some of the States claimed prior rights. Hoping by successful revolution to acquire these lands, Congress had, in 1776 and 1780, agreed to give certain amounts to all officers and soldiers who should serve through the war or become disabled in it. About the first of April, 1783, Colonel Timothy Pickering, then Quartermaster General, presented to a meeting of officers a proposition, to be made to Congress on behalf of the Army, for the formation of a new State, west of the Ohio river, as follows:

“Proposition* for settling a new State by such officers and soldiers of the Federal army, as shall associate for that purpose.”

“1. That the United States purchase of the natives that tract of country that is bounded by Pennsylvania on the east, the river Ohio on the south, a meridian line drawn thirty miles west of the river Scioto on the west, this meridian line to run from the Ohio to the Miami River, which runs into Lake Erie,—and by this river and Lake Erie on the north.

“2. That, in the first instance, lands be assigned to the army to fulfill the engagements of the United States by the resolutions of September 16, 1776, August 13 and September 30, 1780, to-wit:

To a major-general.	1,100 acres.
To a brigadier-general	850 acres.
To a colonel	500 acres.
To a lieutenant-colonel	450 acres.
To a major	400 acres.
To a captain	300 acres.
To a lieutenant	200 acres.
To an ensign, or cornet	150 acres.
To a non-commissioned officer or soldier	100 acres.
To the director of the military hospitals	850 acres.
To the chief physician and purveyor, each.	500 acres.
To physicians, surgeons and apothecary, each	450 acres.
To regimental surgeons, and assistants to the purveyor and apothecary, each	400 acres.
To hospital and regimental surgeon's mates, each	300 acres.

* Life of Timothy Pickering, Volume 1, page 546.

“3. That all associates who shall actually settle in the new State, within one year after the purchase shall be effected, and notice given by Congress or the committee of the associators, that the same is ready for settlement (such notice to be published in the newspapers of all the United States), shall receive such additional quantities of land as to make their respective rights in the whole to contain the following number of acres, to-wit:

A major-general	2,400 acres.
A brigadier-general	2,200 acres.
A colonel.	2,000 acres.
A lieutenant-colonel	1,800 acres.
A major	1,600 acres.
A captain.	1,400 acres.
A lieutenant	1,200 acres.
An ensign, or cornet.....	1,000 acres.
A sergeant.....	700 acres.
Other non-commissioned officers and soldiers, each...	600 acres.

And 50 acres more for each member of a family, besides the head of it.

“4. That the rights of the officers in the medical department be increased in like manner on the same condition.

“5. That all officers in the other staff departments, who shall actually settle in the new State within the time above limited, shall receive rights of land in the proportions last stated, on an equitable comparison of their stations with the ranks of the officers of the line and the medical staff.

“6. That this increased provision of lands shall extend to all officers of the line and staff, and to all non-commissioned officers and soldiers, who, during the present war, have performed in the whole three years service, whether in service or not at the close of the war, provided they present their claim and become actual settlers in the new State by the time above limited.

“7. These rights being secured, all the surplus lands shall be the common property of the State, and disposed of for the common good; as for laying out roads, building bridges, erecting public buildings, establishing schools and academies, defraying the expenses of government, and other public uses.

“8. That every grantee shall have a house built and —

acres of land cleared on his right within — years, or the same shall be forfeited to the state.

“9. That to enable the associators to undertake the settlement of the new state, the United States defray the expenses of the march thither, furnish the necessary utensils of husbandry and such live stock as shall be indispensably necessary for commencing the settlement, and subsistence for three years, to wit: One ration of bread and meat per day to each man, woman and child; and to every soldier a suit of clothes annually, the cost of these articles to be charged to the accounts of arrearages due to the members of the association respectively.

“10. That, for the security of the state against Indians, every officer and soldier go armed, the arms to be furnished by the United States and charged to the accounts of arrearages. Ammunition to be supplied in the same way.

“11. That a constitution for the new state be formed by the members of the new state previous to their commencing the settlement, two-thirds of the associators present at a meeting duly notified for that purpose agreeing therein. The total exclusion of slavery from the state to form an essential and irrevocable part of the constitution.

“12. That the associators so assembled agree on such general rules as they shall deem necessary for the prevention and punishment of crime and the preservation of the peace and good order in the state, to have the force of laws during the space of two years, unless an assembly of the state, formed agreeably to the constitution, shall sooner repeal them.

“13. That the state so constituted shall be admitted into the confederacy of the United States, and entitled to all the benefits of the Union in common with the other members thereof.

“14. That at the above mentioned meeting of the associators, delegates be chosen to represent them in the Congress of the United States, to take their seats as soon as the new state shall be erected.

“15. That, the associators having borne together as brethren the dangers and calamities of war, and feeling that mutual friendship which long acquaintance and common sufferings give

rise to — it being also the obvious dictate of humanity to supply the wants of the needy and alleviate the distresses of the afflicted — it shall be an inviolable rule to take under the immediate patronage of the State the wives and children of such associators, who, having settled there, shall die, or by cause of wounds or sickness, be rendered unable to improve their plantations, or follow their occupations during the first twenty-one years, so that such destitute and distressed families shall receive such public aid as, joined with their own reasonable exertions, will maintain them in a manner suitable to the condition of the heads of them; especially that the children, when grown up, may be on a footing with other children, whose parents, at the original formation of the State, were in similar circumstances with those of the former."

This paper was placed in the hands of General Rufus Putnam "for consideration, amendment and suggestion." Under his direction a petition was prepared to Congress asking that the lands, to which the signers were entitled, be located within the tract described in Colonel Pickering's proposition, and that additional amounts be sold to them for public securities. This petition, signed by 288 officers of the Continental line, was forwarded by General Putnam to General Washington, June 16, 1783. In his letter transmitting it, General Putnam referred to his own interest in the subject, gave at length reasons why it should be promptly considered, and urged General Washington to use his influence with Congress to secure favorable action. General Washington forwarded the petition and General Putnam's letter to Congress, June 17, 1783, strongly recommending it. No attention was given to it, for Congress was then engaged with the claims of the various States to the same territory. These claims were finally settled by the acceptance, March 1, 1784, of Virginia's deed of cession. On April 23, 1784, an ordinance for the temporary government of the Western Territory, drawn by Thomas Jefferson, was adopted. It provided for the formation of ten states in the territory. Within the limits named the residents were given authority to at once form a state government by selecting the constitution and laws of any existing State, subject to change by a legislature of their own choosing. A population

of twenty thousand was permitted to form a permanent constitution and government. Whenever any of these States should have as many free inhabitants as the least populous of the original thirteen States it could be admitted to the Union if its government was republican and it would recognize the primary ownership of the United States to the soil and assume its pro rata of the federal debt.

On January 21, 1785, the United States acquired by treaty, with part of the Indian tribes claiming it, their title to what is now the State of Ohio. On May 20, following, an ordinance was passed providing a method for the survey and sale of the lands in the western territory. This ordinance provided for the survey of the lands, in sections, towns, and ranges under general direction of Captain Thomas Hutchins, who was styled the Geographer of the United States, assisted by a surveyor from each state. When the first seven ranges were completed a report was to be made to the Secretary of War who was to select by lot one-seventh of the lands to fulfill the engagements of Congress to the army, four sections in each township were reserved for future sale, one section in each township was set apart for the support of schools therein, and the remainder was to be offered at public sale at one dollar per acre in cash or government obligations at par. Town number one in each range was to be sold entire, town number two by sections, and so on alternately. Gen. Rufus Putnam was appointed the surveyor from Massachusetts. Other engagements prevented him from accepting and he secured the appointment of General Benjamin Tupper in his place. The surveyors assembled at Pittsburgh in the fall of 1785. Colonel Hutchins asked the Indians by *message if they would protect the surveyors while at work. The Indians discovering that he feared them, notified him to keep away. Most of the surveyors returned home in the winter. Although they had not been beyond Fort Pitt yet, they had heard glowing accounts of the fertility of the soil northwest of the Ohio river from Indian traders, soldiers, adventurers and the Indians themselves. On his return to Massachusetts General

* NOTE.—See Gen. Tupper to Gen. Putnam, Jan. 17, 1792. *Magazine American History*, June 1891, page 503.

Tupper visited General Putnam at his home in Rutland. After a night's conference they united in a call to all officers and soldiers of the late war who were entitled to lands in the Ohio Country, and to all persons who desired to become adventurers in that delightful region, to meet in their different counties and appoint delegates to a meeting to be held at the Bunch of Grapes Tavern in Boston, March 1, 1786, to form an association by the name of the Ohio Company. At this meeting articles of association were adopted. They state the design of the Association to be to raise a fund in continental specie certificates "for the sole purpose and entire use" of purchasing lands in the western territory. The fund was not to exceed one million dollars in continental specie certificates and one year's interest thereon. Each share was to be one thousand dollars, and each share was to contribute, in addition to one year's interest on the certificates, ten dollars in specie, as an expense fund. No person was permitted to hold over five shares.

In November, 1785, a detachment of troops under Major Doughty was sent to the mouth of the Muskingum river, and a fort, known thereafter as Fort Harmar, was established on its western bank. On January 31, 1786, the Delaware, Shawnee and Wyandot Indians by a treaty made at Fort Finney, ceded to the United States all their claims to the territory northwest of the Ohio river except certain reservations. Early in the summer of 1786 the surveyors commenced work on the seven ranges and finished in December following.

On March 8, 1787, a meeting of the Ohio Company was held in Boston. Two hundred and fifty shares only had been subscribed. The reason for the small subscription was the impossibility of securing a compact body of lands under the method of sale provided in the land ordinance of 1785. So certain were those present that all the shares would be quickly placed if a satisfactory purchase could be negotiated that General Rufus Putnam, General S. H. Parsons and Rev. Manassah Cutler were chosen directors and were ordered to make immediate application to Congress "for a private purchase of lands and under such descriptions as they shall deem adequate to the purposes of the Company." The directors empowered General Parsons to

apply to Congress advising him that their preference was to go no farther west than a meridian line drawn through the western cape of the Great Kanawha river, but leaving him free to exercise his own judgment. General Parsons presented a petition in May. In conference with the committee, to which the petition was referred, he proposed a purchase of lands on the Scioto river. There was not a quorum present; no action could be taken then and General Parsons returned home. He reported his action by letter to other members of the board. It greatly alarmed General Putnam who had long been convinced that a location between the Muskingum and Big Kanawha rivers would comprise the best lands in the West. In 1773 he had met Thomas Hutchins, who had spent twenty years on the Ohio, the Mississippi and the waters of the great lakes, in the English service.* He had seen his map before its publication and from his account, verified by subsequent inquiry, he had determined that this location comprised the best lands in the Western Territory, all things considered, for so large a tract as the Ohio Company required. His own engagements made it impossible for him to go on to New York where Congress was in session, and he insisted that Doctor Cutler should go and take charge of the negotiation. Putnam and Cutler united in a letter to Major Sargent, Secretary of the Ohio Company, who was then in New York, telling him that they could not on any account consent to the location proposed by General Parsons, and asking him to prevent any action by Congress until Doctor Cutler's arrival. Doctor Cutler started to New York June 24. He spent two days, en route, with General Parsons, at his home in Middletown, Connecticut, who made no objection to his mission but gave him every aid in his power. Doctor Cutler reached New York on the evening of July 5, and on the following day made formal application to Congress for the purchase of lands for the Ohio Company. He met the Committee to whom the petition was referred on July 6, 7 and 9, and on the 10th had a long interview with Mr. Dane.

Congress was engaged in completing a form of government

* See letter General Putnam to M. Witham. Magazine American History, June, 1888.

for the Western Territory. Until that was finished no action was expected or desired upon the proposed purchase of lands.

The ordinance of 1784 had proved entirely inoperative. Many efforts had been made to devise a better one. The idea of a temporary government under direct control of congress did not take form until May 10, 1786, when an ordinance was reported by a committee, of which James Monroe was chairman, which provided for a governor, a council of five members and five judges, to be appointed by Congress, who were to select and enforce laws taken from an existing code until the population of a district reached twenty thousand, when it might be admitted as a State in the manner stated in the ordinance of 1784. No action was had upon this. Another ordinance in the same form, somewhat improved, was reported to Congress April 26, 1787. It had passed to a third reading May 10, but Congress adjourned without finally acting upon it. General Parsons had presented the petition of the Ohio Company for a purchase of lands on May 9. It may well be that it was at his request the vote on the ordinance was postponed until the principal men in the Ohio Company could have an opportunity to consider it.

No one else had the direct personal interest in it that they had. There was no quorum in Congress until July 4. Doctor Cutler again presented the petition of the Ohio Company July 6. It was referred to a committee consisting of Edward Carrington, Nathan Dane, Egbert Benson, Rufus King and James Madison. The ordinance for the government of the territory was at once called up and on the same day was referred to a committee consisting of Edward Carrington, Nathan Dane, R. H. Lee, Smith, of New York, and Kean, of South Carolina. King and Madison were in Philadelphia attending the constitutional convention, of which they were members. It will be noted that whenever the representative of the Ohio Company met the committee appointed to consider his petition for the purchase of lands he also met Mr. Carrington and Mr. Dane, two of the most influential members of the committee who were considering the governmental ordinance. A copy of the bill, which had passed to a third reading May 10, was submitted to Dr. Cutler "with leave to make remarks and propose amendments." On July 10

he returned it with his observations and proposed amendments and set out for a short visit to Philadelphia. On July 19 he returned to New York, and writes in his journal that he was furnished with the "ordinance establishing a government in Western federal territory. The amendments I proposed have all been made except one, and that is better qualified." It related to taxation. The principal change made in remodeling the ordinance was the addition of the articles of compact, six in number. Exactly what amendments Dr. Cutler proposed is nowhere recorded. That the remodeling was to accord with the wishes and interests of the Ohio Company* there can be no question. They alone were proposing a settlement. The original proposition of Colonel Timothy Pickering, which was the foundation of the company, provided that the settlers of the proposed new State should form for its government before removing to it a completed constitution, an essential part of which should be the total and irrevocable prohibition of slavery. They were asking for a "private purchase of lands" in violation of the existing law, and in preservation of their rights and their property they required that no law "ought ever to be made or have force in the said territory" to interfere with or in any manner affect "private contract or engagements bona fide and without fraud, previously formed." The grants of land they asked for the support of ministry, of school and the establish-

* That the Ohio Company was the moving power in securing the passage of the ordinance of 1787 sufficiently appears in the following contemporary testimony:

Nathan Dane to Rufus King, July 16, 1787: "The Ohio Company appeared to purchase a large tract west of the federal lands—about six or seven millions of acres—and we wanted to abolish the old system and get a better one for the government of the country."

R. H. Lee to General Washington, July 15, 1787: "I have the honor to enclose to you an ordinance that we have just passed in Congress for establishing a temporary government beyond the Ohio, as a measure preparatory to the sale of lands."

It is worth noting also that of the five territorial officials appointed by Congress under the ordinance of 1787 four were members of the Ohio Company. Governor St. Clair was a shareholder, Major Winthrop Sargent, the secretary of the territory, was secretary of the Ohio Company, and Judges Parsons and Varnum were members of its board of directors.

ment of a university, required to become effective, the mandate to the legislature to foster religion and encourage the means of education. Good faith to the Indians, their only neighbors, was essential to friendly relations with them. The free use of the navigable waters of the Mississippi and the St. Lawrence was in the highest degree necessary to them.*

The governmental ordinance passed, Doctor Cutler pressed Congress for immediate action on the position of the Ohio Company. Much to his chagrin he found a considerable opposition. Colonel Duer, Secretary of the Board of Treasury came to him with a proposition from some of the leading characters in the city to extend the purchase and take in another company. Major Sargent strongly advocated it. After carefully considering the plan, Doctor Cutler assented. By diligent work on the part of all who were interested, Congress was induced to pass an ordinance July 23, empowering the Board of Treasury to contract with any person or persons for a grant of a tract of land bounded by the seventh range of townships on the east; the Ohio river on the south; the Scioto river on the west and a line drawn from the northern boundary of the tenth township from the Ohio, due west to the Scioto river on the north. Reservations were made of one section in each township for schools, one for the purposes of religion and three for future sale by Congress. Two entire townships were given for a university. The price was one dollar per acre cash or public securities at par subject to an allowance of one third for bad lands. Land warrants were admitted, acre for acre, in payment of not over one seventh the amount of the purchase. A payment of five hundred thousand dollars was to be made on closing the contract and the remainder when the exterior line of the whole tract was run by the Geographer or other officer of the United States. No deed was to be given until all payments were made. The Board of Treasury was authorized to give a right to entry upon a portion of the tract. This ordinance though in many respects stating terms more favorable than the friends of the grant expected, did not permit

* For a thorough and exhaustive discussion of Dr. Cutler's agency in forming the ordinance of 1787 see article in *North American Review*, April, 1876, by Wm. F. Poole, L.L. D.

the formation of two companies as proposed. Dr. Cutler therefore addressed a letter to the Board of Treasury stating the only terms upon which he would enter into a contract. The principal changes he asked were, first: that the terms of payment should be half a million dollars when the contract was executed, half a million more when the exterior line of the tract was run and the remainder in six equal payments, computed from the date of the completion of the survey by the Geographer; second, that the lands assigned for the university should be located as nearly as possible in the centre of the first million and half acres of land paid for and, third, that a deed should be given for the first million and a half acres when one million of dollars were paid.

As the grant was much greater than contemplated by the Ohio Company, Doctor Cutler requested Major Sargent to join him in this letter, which he readily consented to do. The Board referred the letter to Congress and on July 27, Congress referred it back to the Board directing them to accept the terms stated in it without the least variation. This action placed the entire tract of land described in the ordinance of July 23, at the disposal of Manasseh Cutler and Winthrop Sargent, subject to their obligations to the Ohio Company. Dr. Cutler started home the same evening, after arranging with the Board of Treasury that the first payment be made October 27. In his diary this day he writes, "By this ordinance we obtained the grant of nearly 5,000,000 acres of land amounting to three and one half millions of dollars, one million and a half acres for the Ohio Company and the remainder for a private speculation in which many of the principal characters in America are concerned. Without connecting this speculation similar terms and advantages could not have been obtained for the Ohio Company."

This speculation was the Scioto Purchase. Colonel William Duer projected it. The favorable "terms and advantages" obtained by the Ohio Company by connecting this speculation with it were the completion of its own negotiation upon terms dictated by its agent; the guarantee of success by an agreement on the part of Colonel Duer to loan to it one hundred thousand dollars in public securities, if needed, in making the first payment to the Board of Treasury; the advantage to its funds of the delay in

the final payment until the exterior line of the whole tract was run; the powerful influence in its behalf of Colonel Duer and others of the "principal characters of America" who were associated with him. Colonel Duer obtained a number of subscriptions to the shares of the Ohio Company. He also agreed that he would manage the Scioto speculation and that those persons who had taken an active part in promoting the Ohio Company might have one-half interest in it.

On August 29, at a meeting of the Directors and Agents of the Ohio Company, held at the Bunch of Grapes Tavern in Boston, Doctor Cutler reported that, in consequence of the resolves of Congress of July 23 and 27, he had agreed with the Board of Treasury to purchase as much land as the Company's fund of one million of dollars would pay for and described the lands as bounded on the east by the seventh range of townships; south by the Ohio river; west by a meridian line drawn through the western cape of the Great Kanawha river, and extending north far enough to include the whole, with the reservations stated in the resolve of Congress for schools, ministry, the university and the three sections in each township held for future sale. The report was received and his actions were "fully approved, ratified and confirmed." The subscription to the shares of the Company was nearly completed. The few shares not taken were allotted "pro rata" to the different agents. The organization was perfected by electing Gen. James M. Varnum to the board of directors, and Colonel Richard Platt, of New York City, treasurer. The Ohio Company was now fairly begun. All of the conditions of success seemed to be fulfilled. There were two clouds only on its horizon. Neither was as large as a man's hand. The price of the public securities in which its shares were payable had already advanced. Some of the Indians in the Northwest Territory denied the right of their chiefs to sign away their hunting grounds.

THE SCIOTO PURCHASE.*

In October, Doctor Cutler and Major Sargent returned to New York City and on the 27th of that month the board of treasury made a contract with them "as agents for the directors of the Ohio Company of associates so called" for the sale of fifteen hundred thousand acres of land lying between the seventh and the seventeenth ranges and the Ohio river. The consideration was one million of dollars in public securities, one-half of which was paid on signing the contract; the remainder was payable one month after the exterior line of the tract had been surveyed by the geographer or other proper officer of the United States. No title was to pass to the Ohio Company until all payments were made, but the right was given to occupy and cultivate one-half of the tract fronting on the Ohio river between the seventh and fifteenth ranges of townships.

On the same day the board of treasury made a contract with "Manasseh Cutler and Winthrop Sargent for themselves and associates" for the sale to them of the remainder of the tract described in the ordinance of congress of July 25, 1787. Payments, at the rate of two-thirds of a dollar per acre in public securities, were to be made in six semi-annual installments, the first falling due six months after the exterior line of the tract had been surveyed by the government. This was the Scioto purchase. It comprised over four million acres of land, three-fourths of it west and one-fourth north of the Ohio Company tract.

When these contracts were executed no lands had been surveyed west of the seventh range of townships, the western boundary of which intersects the Ohio river about five miles east of the mouth of the Muskingum. The lines of the fifteenth range

*The contracts made by Mr. Barlow in France and much of his correspondence with Colonel Duer are owned by the Historical and Philosophical Society of Ohio. They were obtained in various places, after years of persistent search, by Mr. John M. Newton, the accomplished librarian of the Young Men's Mercantile Library of Cincinnati. Other manuscripts referred to are in my possession.—E. C. D.

and the seventeenth range of townships are recognized in both contracts as "to be laid out according to the land ordinance of May 20, 1785." From calculations made by Captain Thomas Hutchins, then geographer, or surveyor general, of the United States, it was believed that the west line of the seventeenth range would strike the Ohio river nearly opposite the mouth of the Big Kanawha.

Simultaneously with the execution of the second or Scioto contract, Cutler and Sargent conveyed to Colonel William Duer of New York city a one-half interest in it, and gave him full power to negotiate a sale of the lands in Europe or elsewhere and to substitute an agent. Colonel Duer had agreed to loan to the Ohio Company one hundred thousand dollars public securities; he was obliged to advance it \$143,000 to enable it to make its first payment. Soon after, Cutler and Sargent conveyed a little over three-fourths of their retained interest in about equal proportions to Generals Rufus Putnam, Benjamin Tupper, Samuel H. Parsons, Colonel Richard Platt, Royal Flint and Joel Barlow. Many others became interested with these in greater or less proportions.

In May, 1788, Joel Barlow, who also held an interest by assignment from Colonel Duer, was sent to Europe to negotiate a sale of the lands or a loan upon them. He held a power of attorney from Colonel Duer, to which was attached a certified copy of the contract of Cutler and Sargent with the board of treasury, and their assignment and power to Colonel Duer. In all these papers the lands are recognized as held by a right of pre-emption only. Mr. Barlow met with no success until the summer of 1789, when he made the acquaintance of William Playfair, an Englishman then residing in Paris. Principally through his efforts a company was quickly organized in Paris, called the society of the Scioto, to which in November, 1789, Mr. Barlow sold the right of his principals to three million acres of land lying west of the seventeenth range of townships. The price was six livres per acre; the payments were to be made in installments, commencing December 31, 1789, and ending April 30, 1794. The contract recites that Barlow's powers were exhibited and proved, and provided that "as soon as and not before the said payments are re-

mitted arising from the price of the present sale, Mr. Barlow binds his principals toward the society purchasing to put them in possession and enjoyment of an amount of the three million acres proportionate to the amount of the said payment at the aforesaid rate of six livres per acre." The lands were to be located in equal tracts from the seventeenth range westward. It also provided that the society might "re-sell all or a part of the three million acres before the times fixed for the payment of their price, provided that the said society gives up to the Sieur Barlow under the title of pledge the agreements of the under purchasers." Playfair and Barlow were both interested in the society of the Scioto and, with M. Jean Antoine Chais de Soisson, became its sub-agents for the sale of the lands.

Mr. Barlow did not send a copy of this contract to Colonel Duer, but wrote him an abstract of it November 29. He added that he was preparing an arrangement with the royal treasury of France to exchange the obligations of the French society of the Scioto for the American bonds held by it, and that either by that method or by an immediate settlement on the lands, the payments would be anticipated and the whole business closed within a year. He had reason to hope that Major-General Duportail, subsequently minister of war of France, and Colonel Rochefontaine, both of whom had served in America during the Revolution, would go at the head of the first establishment. He urged that the lines of the seventeenth and eighteenth ranges of townships be ascertained without delay. He admitted that he had proceeded as if Colonel Duer had already secured a modification of the contract with the board of treasury, so that titles might be obtained for the lands in smaller tracts as paid for, "by giving the company here power to re-sell portions before they made the first payment on the contract, requiring as my security the deposit of the payments for these portions." He insisted that at all events five or ten thousand acres of land opposite the mouth of the Great Kanawha "on the eighteenth range" must be secured on which to locate the first settlers; that huts be built there to accommodate at least one hundred persons, and that a person of activity be sent from the settlement to Alexandria, Virginia, to prepare for the reception of the settlers, and make the necessary



SINGULAR ORNAMENT (BLACK SLATE) FT. ANCIENT. FULL SIZE.

arrangements for their journey to the lands. The expense of the houses and the journey would be "paid by the agent of the people the moment they arrive." On December 29, he wrote that he expected to put Colonel Duer in funds to make the first payment of five hundred thousand dollars to Congress before it was due, and that if the first settlers were pleased, half a million of adventurers would follow. On the same date he authorized Colonel Duer to draw on him for twenty thousand livres. January 25 following he authorized drafts for two hundred thousand livres, in the same letter saying that the payments certainly would be made.

On February 27, 1790, a meeting of the Scioto associates in America was held at the house of Colonel Duer in New York City, and he communicated to them the letters from Mr. Barlow announcing the completion of the contract of sale. General Rufus Putnam and Rev. Manasseh Cutler were then in New York, as a committee appointed by the directors and agents of the Ohio Company, to ascertain the number of shares subscribed for on which no payments had been made, sell them if possible, and effect a settlement with Congress. The survey of the Ohio Company purchase was not completed, but it was known in the fall of 1789 that the western boundary of the seventeenth range of townships would intersect the Ohio river some distance west of the mouth of the Great Kanawha. This information had not been sent to Mr. Barlow, probably because his American associates had long since given up all hope of effecting a sale through him. He had not sent any plats or accurate information of the location of the lands sold by the French Society of the Scioto, though it was evident from his letters that they were in the eighteenth range of townships, and that, relying on the information he had when he left America, he had represented them as opposite or nearly opposite the mouth of the Great Kanawha. The authority he had given to the French society to give deeds in small tracts was especially displeasing to General Putnam, though it appeared from the correspondence that Mr. Barlow had the money received from sales in his own control. As a solution of the problem General Putnam proposed to the associates that they purchase of the Ohio Com-

pany its forfeited shares, the number of which had been definitely fixed at one hundred and forty-eight; take the three acre, eight acre and one hundred and sixty acre lots, already set apart for these shares in the part of the purchase which had been surveyed, and locate the remainder, 196,544 acres, in a compact body fronting on the Ohio river from a point opposite the mouth of the Great Kanawha river to the western line of the seventeenth range. So far as could be judged from the information at hand, the American proprietors by making this purchase would enable themselves to fulfill every obligation entered into by Mr. Barlow. Before finally closing it, Colonel Duer, on April 20, entered into a formal agreement with his associates which declared that "a contract for the sale" of the lands included in the Scioto purchase "having lately been made in Europe" it was agreed to form a trust to secure to each one interested his proper share of the profit and to aid Colonel Duer in managing the concern of the sale. Royal Flint and Andrew Craigie were named as co-trustees with Colonel Duer, who was to act as "superintendent of the concerns of the proprietors." The powers and duties of the trustees were defined to be: "To see that the contract for the sale of the lands was "carried into execution;" that remittances of the purchase money were duly made to Colonel Duer, and by him "*in the first instance duly applied, as occasion shall require, to, or towards, making good the payment for the lands purchased by the parties to these presents of the United States.*" The remainder was to be divided in a manner prescribed. Immediately after the execution of this agreement Colonel Duer made drafts on Mr. Barlow for two hundred and twenty thousand livres, as authorized in his letters of December 29 and January 25. On April 23 the trustees closed a contract with the Ohio Company for the purchase, as proposed by General Putnam, of one hundred and forty-eight forfeited shares. The consideration was the same as required from the original subscribers, one thousand dollars per share in continental specie certificates, exclusive of one year's interest due thereon; and the same contribution to the expense fund of the company, to wit: Ten dollars per share in specie to be paid in sixty and ninety days, and one year's interest on the specie certificates, to be paid in six months. The conti-

mental specie certificates were to be paid when the Ohio Company made its final settlement with the United States, and the amount was subject to a "deduction in ratable proportion with such sum as may hereafter be remitted by the United States on the original contract." The Scioto associates were given the same right of entry, use and occupation as was permitted to the Ohio Company by its contract with the United States, but no "deed of conveyance" was to be "required and demanded" until the "payments were fully completed and made." The trustees also released to the Ohio Company their right of pre-emption to the million acres of land lying directly north of the Ohio Company purchase, which was not included in Mr. Barlow's sale to the French Society of the Scioto.

Although the Ohio Company, under its right of entry, had established a large number of settlers upon its lands, it could not, under its contract, obtain a title to any part of them until its payments were fully made. An effort was being made to induce Congress to reduce the price of the public lands to twenty cents an acre, and make the reduction applicable to both the Ohio and Scioto Companies' tracts. Secretary Hamilton had recommended it in his report on funding the public debt, and a majority in Congress appeared to favor it. If made, the Ohio Company would be entitled, for the payments it had already made, to a million acres of land in addition to the fifteen hundred thousand acres embraced in its original purchase. The release by the Scioto associates to it of the right of pre-emption to the million acres directly north of the first tract gave it control of the best lands in the territory east of the Scioto river. If no reduction in price was secured, the sale of the one hundred and forty-eight shares at least made the original purchase safe. The payment by Mr. Barlow of the drafts for two hundred and twenty thousand livres would enable the Scioto associates to purchase, at prices then current, continental specie certificates enough to make payments for the one hundred and forty-eight shares and to obtain deeds of lands sufficient to satisfy, as far as could be learned, all of the sales made by the French Society of the Scioto. Both parties to this contract were equally

pleased, and with good reason, for it seemed to solve all their difficulties.

The trustees appointed General Rufus Putnam their agent and attorney to represent the shares, take charge of the lands, and make preparations to locate the emigrants. He employed Major John Burnham to enlist a company of men in New England for service in clearing land, building houses and keeping guard, and instructed him to go at once to Marietta, Ohio. General Putnam himself went to Marietta early in May, employed Colonel Meigs to make the necessary surveys for a town at the present site of Gallipolis, sent Mr. James Backus to Alexandria, Virginia, to meet and accompany, in their journey west, the French emigrants, and gave to Major Burnham, who arrived with his company early in June, instructions to proceed to the mouth of Chickamauga creek (the present site of Gallipolis), and clear a large tract of land and erect four block-houses and a number of huts according to a plan which would be given by Colonel Meigs. He also notified Colonel Duer that, owing to the great scarcity of provisions in the territory, it would not do to permit the emigrants to come west of the mountains until the new crop had matured.

The emigrants began to arrive in Alexandria, Virginia, in April, and by May 27, about six hundred had landed. The agent sent by Colonel Duer to meet them had returned to New York supposing that they had made another port, for they were expected in March. Some people in Alexandria attempted to persuade them that they had paid too high a price for their land, informed them that the Scioto Company had no title, that the Indians in the Northwest territory were numerous and hostile, and that Virginia was, on all accounts, a much better place in which to live. This, with the fact that there was no one at Alexandria to receive them, created much alarm, and Count de Barth, the Marquis Lezay-Marnesia, and others of the leading men among them were sent to New York to wait upon Colonel Duer, inquire into the validity of their titles, and ascertain if they could reside in the Western territory free from danger from the Indians. They explained their plans fully to the secretary of the treasury, Alexander Hamilton, and to a number of members

of Congress. President Washington and Secretary of War General Knox gave them assurance of protection, and promised to station troops near the mouth of the Great Kanawha. Colonel Duer exhibited to them printed copies of the law of Congress authorizing the sale to Cutler and Sargent, their contract with the board of treasury, and the contract made by the Scioto associates with the Ohio Company, for the purchase of the forfeited shares. He also explained to them the composition of the Scioto Company, and said to them that the entire management of its affairs had been intrusted to himself alone, and that he had for aid and counsel two agents, Royal Flint and Andrew Craigie. Some modifications of Mr. Barlow's agreements for transporting the settlers to their lands were made by Colonel Duer with this committee. Upon its return to Alexandria, the journey of the emigrants over the mountains began, under the leadership of Captain Isaac Guion, who was appointed by the trustees as their principal agent in the West; General Putnam, owing to his duties to the Ohio Company, having declined to do more than superintend the surveys.

M. Bourogne, who came to America with the first party of emigrants, went to New York with the committee from Alexandria, and while there ascertained the efforts being made by the Scioto associates to secure a reduction in price of the lands. He returned to France early in June. Sales of lands had about ceased since the emigration. Mr. Barlow, instead of keeping in his own hands the money received for sales of lands by the French society, had left the management of the whole affair to Playfair and M. Chais de Soisson. Colonel Duer's drafts came forward in due course, were accepted, and fell due in August. Playfair refused to provide for them. In his efforts to meet them Mr. Barlow declared the contract of sale to the French Society of the Scioto void because it had not met its payments, and made a new sale to a company composed of M. Bourogne, the Count de Barth, William Playfair, M. Coquet, General Duvalette, and himself. This company was to assume the payments to the American government for the lands and to make good all deeds given by the French Society of the Scioto. Fifteen sous per acre were to be paid to the American proprietors.

as their profit. The money and securities in the hands of Mr. Playfair were to be paid to this company, but it was not to be required to make any payments until at least three hundred thousand acres were sold and only upon sale of each three hundred thousand acres, and no limitation was placed upon the location, within the entire tract, of the lands sold. If any reduction in price of the land was secured, the profit from it was to be shared equally by the parties to the contract. Mr. Barlow was authorized to borrow, if he could, upon the credit of this company, one hundred and fifty thousand livres to apply on the drafts of Colonel Duer.

The principal object of M. Bourogne and his friends in making this contract was probably to secure the expected profit to arise from a reduction in the price of the land and the certain profit already realized from the sales of the society of the Scioto. Mr. Barlow's hope was to force Playfair to "render his accounts without ruining the business," and to provide something on account of Colonel Duer's drafts. Mr. Playfair, while not declining an interest in the new company, failed to turn over the proceeds of former sales. Colonel Duer's drafts were returned unpaid.

Mr. Barlow did not send a copy of this contract to Colonel Duer, who seems to have first learned of it by a letter protesting against it from Colonel Rochefontaine, who was interested in the French society of the Scioto, and who was also a purchaser of lands. Colonel Duer was now in a most embarrassing position. To meet the unexpectedly large expense of establishing the settlement, he had issued demand notes in the form of currency. These were coming in daily, as rumors of Mr. Barlow's troubles began to spread. Many of the emigrants refused to refund the amounts advanced for their account until the titles to the lands were perfected. The return of the drafts was a staggering blow to his credit. Unaware of the exact condition of Mr. Barlow's negotiations, unable to understand what had become of the money received for the lands sold, or to form any correct judgment as to the number of acres for which deeds had been given, he called the trustees together, and with their assent sent Colonel Benjamin Walker to France, with power to displace Mr. Barlow

or act with him, to at least obtain the money due for lands sold, and to endeavor to get a clear understanding of the affair, and to sell the right of preemption as originally intended. By him Colonel Duer wrote Mr. Barlow, notifying him that the trustees refused to ratify the sale to M. Bourogne, and upbraiding him in the severest terms for the manner in which he had conducted the business. He reminded him that he had not furnished copies of any engagements, or any list of lands sold, or any statement of receipts and disbursements; that except one thousand crowns, sent for a special purpose, he had made no remittances, and that he had assigned no reasons for not having honored the drafts. He notified Mr. Barlow that he and he alone was responsible, not only to the American proprietors but to the United States, for the moneys received, which he had always represented were under his own control. He added, "The advances and engagements I am under in order to comply with the fallacious statements of your prospectus, and to preserve your honor and character from utter destruction, are no less than forty thousand dollars, exclusive of large sums of interest for money borrowed. This, at least, you are called upon by every tie of honor and generosity to secure."

Colonel Walker arrived in Paris in December, 1790, and was received by Mr. Barlow with every expression of joy and satisfaction. He spent several weeks in endeavoring to untangle Mr. Barlow's affairs. From Mr. Playfair he secured a statement of account, showing sales of about one hundred and forty thousand acres of land, and a long list of reasons for not having settled with Mr. Barlow. The most diligent effort failed to secure either money or property. Colonel Walker warned the public, by advertisement in the principal cities of France, not to purchase lands of Mr. Playfair, who meantime disappeared. Mr. Barlow was penniless, and Colonel Walker advanced him money for his family expenses. With the aid of Colonel Rochefontaine and General Duportail, then minister of war, an effort, which promised well for a time, was made to form a new company for the purchase of a smaller tract of land. News of the Indian war defeated it. Early in May, 1791, Colonel Walker returned to America, leaving Rochefontaine in charge of the negotiations..

He appears to have been convinced that in a favorable condition of public affairs the lands might yet be sold. The Fates were not propitious. The troubles in France grew worse. General Duportail was denounced in the assembly, forced to resign as minister of war in December, 1791, and a few months later both He and Colonel Rochefontaine were obliged to flee to America for their lives.

Several hundred emigrants reached the present site of Gallipolis about the middle of October, 1790. Major Burnham's men had prepared houses for them, and had cleared a considerable space for garden lots. The Count de Barth and Marquis Marnesia with a large party reached Marietta a few days later, and were quartered in Fort Harmar while waiting the survey at the mouth of the Scioto river, where Count de Barth wished to establish a city. Before the surveyors were fairly at work, news came of the defeat of General Harmar and the rising of the Indian tribes along the entire border northwest of the Ohio river. This put an effective stop to further surveys or settlements. Count de Barth and the Marquis Lezay-Marnesia returned to New York to negotiate further with Colonel Duer. Some of the people who had come with them remained at Marietta; some went to Gallipolis; others to the French settlements in different parts of the country. The Indian war made it impossible for the settlers at Gallipolis to do any work beyond range of the guns of the block houses. Colonel Duer had established there a store, and continued to supply them with the necessaries of life, taking from those who had no money their deeds to lands and village lots as security. In the spring of 1791 they began the cultivation of grapes on a large scale on the village lots which had been cleared, and also to raise vegetables, for which they found a ready market on the boats which were constantly plying up and down the Ohio river. The defeat and rout of the army of General St. Clair by the Indians, in November, 1791, was accepted by the people as a sufficient excuse for not having their lands surveyed and titles made good. Their worst troubles were to come.

In the spring of 1792 the directors and agents of the Ohio Company met in Philadelphia, where Congress was then in session, to effect a final settlement of its affairs. It had no title to

any of its lands. It had paid to the government one-half of the amount due on its contract, and had in its treasury over three hundred and fifty thousand dollars in securities and land warrants applicable to the final payment, besides the amount due from the trustees for the Scioto associates, who had paid nothing on account of the purchase of the one hundred and forty-eight shares. The securities in the treasury alone, owing to the rapid advance in the price, were worth in money more than the entire amount of lands in its purchase. Many of its share-holders were clamorous that the contract be surrendered and the settlement abandoned, if necessary, to secure a dividend of the residue of its funds. After much negotiation Congress passed an act directing that a deed be made to the Ohio Company for the 750,000 acres to which it had the right of entry for the payment it had already made, and for 214,285 acres additional to be paid for in land warrants. One hundred thousand acres, to be located in a compact body adjoining the 750,000-acre tract, was deeded to the directors, in trust, to be donated in one hundred-acre tracts to actual settlers. While these negotiations were pending there occurred a financial panic in New York. Colonel Duer failed, and was imprisoned for debt. Royal Flint also failed. The contract for the sale of the forfeited shares was surrendered and cancelled. An earnest effort was made by the directors of the Ohio Company who were or had been parties to the Scioto purchase to have the donation tract located so as to include Gallipolis. In this they failed, and, in fact, it was secured at all only by casting vote of Vice-President John Adams in the United States Senate. Gallipolis was included in the 750,000-acre tract, the boundaries of which were fixed by the law of Congress and became at once the property of the share-holders of the Ohio Company. The donation tract was located on the waters of the Muskingum where the Ohio Company had already promised land to men who were performing military duty in its behalf.

The news of the failure of Colonel Duer, and of the fact that they were occupying lands actually owned by the Ohio Company, were crushing blows to the inhabitants of Gallipolis. They knew nothing of the long story of Colonel Duer's embarrassments. They only knew that they were far away from their

native land, confronted by a savage foe, homeless, friendless, and that some one was to blame.

In the fall of 1793 M. Jean Gabriel Gervaise went to Philadelphia, and placed the interests of himself and others of the residents of Gallipolis, who had purchased lands of the French society of the Scioto, in the hands of Peter Stephen Duponceau, a Frenchman by birth and a lawyer of high standing. Mr. Duponceau prepared a petition to the Congress of the United States asking for a grant of lands to the French settlers, and offering in their behalf to cede to the United States their claims against the Scioto or Ohio Companies, if the prayer of the petition was granted. The petition was referred to the attorney-general, William Bradford, by the Senate, with instructions to report upon the validity of the claims of the petitioners against the Scioto or Ohio Companies or other persons, and for the means to be pursued for the obtainment of justice.

On March 24, 1794, the attorney-general communicated an opinion to the Senate that the original right of purchase of the entire tract included in both the Ohio Company and the Scioto contracts was, in his judgment, in the Ohio Company, citing in support of the opinion that that company had, October 4, 1788, passed a resolution to the effect "that their right of pre-emption of the whole land mentioned in the resolve of Congress cannot be justly called in question," and that if it could be shown that the Ohio Company was a party to the sale in Europe it could not successfully impeach the title of the settlers. He also stated that he had been informed that the Ohio Company had sold to William Duer and associates 100,000 acres of land including the site of Gallipolis and the tract originally pointed out to the French settlers; that, though the deed had since been delivered up and cancelled, yet persons who had seen it declared it was an absolute conveyance. Assuming these statements to be correct, it was his opinion that the French settlers at Gallipolis had a valid, equitable title to the settlement, and to locate their purchases within the bounds of the 100,000-acre tract conveyed to William Duer and associates. The attorney-general added, however, that there was reason to believe that the Ohio Company could not be considered a party to the sales in Europe, and that if it was not,

and the deed to 100,000 acres to Duer was not such as to convey any title until the payment of the purchase money, then the French settlers had no remedy but by action at law against the parties who gave them deeds.

If the facts had been before the attorney-general when he prepared his opinion he would have been convinced that the Ohio Company had not and could not have any interest in the Scioto purchase at the time the contracts were made. Its "articles of agreement" provided that its funds should "not exceed \$1,000,000 in continental specie certificates," and that the whole fund should be applied to the purchase of so much land as its funds would pay for and no more, and its contracts were so made. These articles were printed, were made a part of the petition presented by its agents to Congress, were read in full on the floor of the house by Mr. Holton of Massachusetts while its petition was pending, and a copy was placed on the desk of each member.

The members of the Board of Treasury were fully aware of the intention of Messrs. Cutler and Sargent to make two distinct purchases, and accept the authority of the law as ample. The Ohio Company in a full meeting ratified the acts of its agents. The loan made by Colonel Duer, which enabled the Ohio Company to make its first payment, was full compensation to it for the services rendered by its agents in securing the Scioto purchase. At no regular meeting of the directors and agents of the Ohio Company was any claim ever made to any right in the Scioto purchase. The resolution referred to by the attorney-general was passed at an informal meeting held by a minority of dissatisfied share-holders upon an incorrect statement of the facts of the purchase. As has been shown, the contract of sale made to the Scioto associates by the Ohio Company, under which the French settlers were assigned houses and lands at Gallipolis, was not a deed conveying an absolute title, but a sale to them of the shares in the Ohio Company forfeited for non-payment. The Scioto associates acquired the same rights as the original subscribers.

In May, 1794, the United States Senate passed an order summoning the directors of the Ohio Company to appear before

it and show cause why so much of the tract of 750,000 acres deeded to it in 1792 as was sufficient to satisfy the claims of the French settlers should not be forfeited. The directors on receiving the order held a meeting and passed the following resolution: "Resolved, That a particular statement of facts relative to the matter referred to in said order of the Senate be made out and transmitted to the Hon. Caleb Strong, Theodore Foster, and Jona Trumbull, Esquires, members of the Senate, and Hon. Benjamin Bourn, Uriah Tracy, and Dwight Foster, Esquires, members of the assembly, in Congress, in order for the better information of Congress and others whom it may concern. There is great reason to believe that the business has been grossly misrepresented, either through ignorance or a malicious design to injure the company's interest.

Furthermore, Resolved, That in our opinion the interest of the company may eventually be much promoted by appointing the aforesaid six gentlemen agents for the directors of the Ohio Company, they or any two of them to act and transact all matters and things relative to the aforesaid order of the Senate of May 18, 1794, awarding to their best discretion in as full and ample a manner as the directors of the Ohio Company might or could do, were they present; and that a power be made out and executed accordingly." By the advice of these members no response was made to the order of the Senate. It was a matter over which it had no jurisdiction. The Senate took no further action.

In January, 1795, the survey of the Ohio Company donation tract was completed and offered free in lots of one hundred acres to each settler. Notice by public advertisement was given to the "French settlers at Gallipolis, with all others at that place, to come forward by associations or individually and receive lands if they please."

In March, 1795, Congress, in consequence of Mr. Duponceau's petition, passed an act granting 24,000 acres of land in what is now Scioto County, Ohio, to the French settlers over eighteen years of age, who would be in Gallipolis on November 1 following. Four thousand acres of this was given to M. Gervaise, being the amount he had originally purchased from the French

Society of the Scioto, and the remainder was divided equally among ninety-two persons, each receiving two hundred and seventeen and two-fifths acres.

In December, 1795, the shareholders of the Ohio Company held a meeting in Marietta to make a final division of its lands and other property. The citizens of Gallipolis presented to them a petition asking that a town site be given to the settlers. This was refused, but fractional sections, twenty-eight and thirty-four in town three, range fourteen, including all improvements, were sold to them at \$1.25 per acre.

AN EARLY ABOLITION COLONY, AND ITS FOUNDER.

BY A. A. GRAHAM.

About nine miles north of the capital of Ohio is a village the foundation of which marks an important epoch in the history of Ohio. The conflict between freedom and slavery began before the successful growth of the young republic was assured. Thrifty New Englanders were waiting the encroachment of slavery, and among them were men not afraid to lift up their voices in loud and earnest warnings, and by their deeds as well as by their sayings, showed that they were ready for the struggle.

"Make the land worth having," said the portly Dr. Cutler to the Continental Congress when bargaining for land for the New England associates. "Unless you do," he continued, "we do not want it," and the warning meant in plain terms, "exclude slavery forever from the territory northwest of the Ohio river, and we will buy your land and help you pay your debts; allow it to enter and not a penny will we invest." The confederacy, borne down with its debts, could not allow such an opportunity to pass, and the constitution of the territory "forever prohibited slavery or involuntary servitude" from this great and almost unknown domain. One victory for freedom was won.

Fifteen years afterwards the question arose again. A state was now to be created in the territory. Should slavery be permitted? It had often endeavored to gain even a temporary lodgment. The seeds of liberty had taken deep root, sprung into active life, and the Constitution of Ohio, adopted in November, 1802, confirmed the old compact, and again guaranteed freedom to all who should obey its laws. The deliberations of this convention were awaited with no little interest in many Eastern homes. If it decided for freedom they would become citizens and help to subdue its forests; cultivate its soil; build its cities and extend its commerce. If not, then another state should know them and their children.

Among the interested and anxious ones was James Kilbourn, a young man, enterprising and energetic, and then about

thirty-two years of age. Born of old, sturdy, English stock, he had inherited much of their pertinacity and their thrift. He was born in New Britain, Connecticut, October 19, 1770. His father, Josiah Kilbourn, a true patriot, suffered the loss of three members of his family in the War of the Revolution, almost all his property, and was for a time, thereby, partially bereft of his reason. In 1783, he was obliged to give up his finely cultivated farm, and retiring to a more secluded place, purchased thirty acres, on which he made improvements. Soon after he was compelled to mortgage the greater part of this, and realizing his position, advised his son James, then sixteen years of age, to begin life for himself, as the father was now unable to extend to him any help whatever. The boy reflected over the matter, carefully weighing every side of the question. He had health, youth, courage and resolution. He was without adequate clothing; could hardly write his name; knew little or nothing of accounts, and was without influential friends. He could see no prospect of aiding his parents or his own condition while at home, and after a sleepless night he determined to try the world as it lay before him. It might perhaps open a way to assist them and also advance himself. On the morning of September 23, 1786, he bid a tearful farewell to his parental home and started on his undefined journey. Without coat or shoes, and poorly clad, the boy, with a heavy heart, that day walked about thirty miles in his vain search for employment. In the course of his walk, he found time to reflect on his condition and to form his plans. He realized that he must have an education, and that he must be true to every trust. The next day he hired himself to a farmer for the necessary winter clothing, and soon after apprenticed himself to a clothier for four years, agreeing to work seven months in the year, his compensation to be his board and clothes, and instruction in his trade. The other five months of the year he was at liberty to use as he saw fit.

He carried out his agreement faithfully. During his summers he was chiefly employed as a farmer's boy by Mr. Griswold, an excellent man, whose son became the celebrated Bishop Griswold of the Episcopal Church. At this time Mr. Griswold was at home and managed the farm. Noticing the industrious

boy, who used every night to pursue his studies, he became his instructor, and his most efficient and cordial friend. Under his instruction he acquired a knowledge of the English, Latin and Greek languages and all the mathematics he judged would be useful to him in after life. So industrious had he been that Mr. Griswold gave him ten shillings more per month than had been agreed upon, and his employer, the clothier, released him from his contract at the end of the third year, and gave him entire charge of the establishment. His advancement was now rapid. He was known as an excellent and careful workman, and by adding new machinery to the works, soon greatly increased their facilities and their trade.

He considered himself somewhat established in life, and Nov. 19, 1789, when nineteen years old, he was married to Lucy, daughter of John Fitch, of Philadelphia, who in after years became distinguished as the inventor of a steamboat. His remarkable success in life began about this time, and seemed never to have left him. He soon had several mills, and by the aid of an exclusive knowledge of the permanent dyes used in England, the secret of which he obtained from an English dyer, he was enabled to outstrip all his competitors. In his twenty-third year, his close attention to business, and his work over poisonous dyes so told on his rugged frame that a council of physicians pronounced him a confirmed consumptive. A change not long after took place. His lungs improved, but a painful disease of the back confined him to his house for eight months, and for over a year after he could only move about with the aid of crutches.

He retained his mills and his knowledge of dyes, tried farming, but finding he could not pursue that vocation, entered mercantile business in Granby, Connecticut, in which he soon amassed a fortune. He became the owner of mills, and stores, and in addition, five farms, one of which had been his father's, by whom it was lost in the War of Independence, and from which, when a boy, he had left in extreme poverty to try his fortune. He could now realize his hopes and his plans formed on that September day, when he pursued his weary journey in search of employment. He placed his parents and the younger

members of their family in circumstances of pecuniary ease and competence. During this time, when a busy merchant, mill owner, and farmer, he found time to institute a public library, and be the agent to erect an Episcopal church, to organize a literary society, build a turnpike road from Hartford to Albany, and deliver many public addresses on all sorts of subjects. He had now secured the means of ease and comfort, and determined to relax, somewhat, his arduous labors. He was all this time a diligent student of ecclesiastical history, and had been an active and influential member of the Episcopal church. He often assisted as a lay-reader, and yielding reluctantly to the requests of numerous friends, entered the ministry, being ordained by Abraham Jarvis, D. D., Bishop of Connecticut. His temporal labors were now superceded by those of a spiritual nature and, for a time, his recreation was as far away as ever. He declined to settle over any parish, but officiated acceptably in many. His project for a western settlement was already forming in his mind. He saw a vast extent of country as yet unoccupied, but rapidly filling up, and with a desire to perpetuate his native land to the cause of liberty, he determined to be among the vanguard of those who should consecrate the soil of the West to freedom.

He made two exploration tours westward, visiting New York carefully, at one time thinking of locating within its limits. His father-in-law advised him to explore the Northwest Territory, especially that part to be included in the State of Ohio, then soon to be created. He was now about thirty years of age, very vigorous in mind and body, and of unflinching courage. He was tenacious in his views, not easily discouraged, and in spite of all objections succeeded, in 1800, in convincing his friends of the practicability of his purpose. It took two years to overcome all obstacles and form a company to establish his colony. Ohio was then the "Far West." Much farther in accessibility than California and Oregon are from Ohio to-day. Many of the men he wanted were too pleasantly situated to care to make the long, tiresome journey by wagon over the mountains and by flatboat down the rivers. Early in 1802, he had formed a company of eight associates, who, accepting his plans, asked him to explore the country, and if he found a good locality, select enough land

for forty families, that number being decided upon to form the company.

Early in the spring of 1802, Rev. James Kilbourn left his home for his first exploring trip to the "Ohio country," as it was then popularly known. He traveled by stage three hundred miles to Shippensburg, Pennsylvania, ten miles east of the foot of the Allegheny Mountains. Here the stage route ended, and here his journey by foot began. Shouldering a heavy pack he started for Pittsburgh, one hundred and fifty miles away. He made the journey in less than two weeks. When he could not find shelter in some wayside tavern, or in the home of a hospitable pioneer, he did as all travelers did, camped out. Leaving Pittsburgh, he crossed the Ohio, and, on foot pursued his way. The fatigues of the journey, however, brought on his old disease and necessitated the purchase of a horse, on which he made the remainder of his journey.

At this date, the principal road west, was by way of Zane's Nace. Rev. Kilbourn no doubt followed this to some extent. The most populous part of the Territory was its southern half. He learned that the temporary seat of government would be at Chillicothe, then not far from the central part of the proposed State, which, on this account, might be made the permanent Capital.

It is hardly to be supposed that Mr. Kilbourn pursued his journey alone. Emigration was pouring into Ohio. Every portion of the proposed State was now receiving settlers from New England. At this date the principal towns were Marietta, Cincinnati, Chillicothe, Dayton, Steubenville, Zanesville, Lancaster and Hamilton in the southern part of the proposed State. In the northern part, and chiefly near Lake Erie, were Cleveland, Conneaut and Warren, all small villages, hardly recognizable as such in the Western Wilderness. The Moravian Missions still exerted some influence in the eastern part of the State, but aside from the places mentioned, excepting occasional settlements here and there in the forest, generally contiguous to some stream of water, the country was yet in its primeval condition. Indians and wild beasts roamed the forests. The woods were alive with game; the streams swarmed with fish. Perhaps no part of the

great West afforded the aboriginal inhabitants a more diversified subsistence. Indian wars were now practically over; immunity from their midnight attacks assured. Their boundary lines were clearly defined in "Wayne's Treaty," and the isolated settler could rest in measured security.

Just how much of Ohio's soil was traversed by Mr. Kilbourn is not now known. It is safe to conjecture that he visited every part of the new State which he deemed worthy of examination. At the towns of Chillicothe, Cincinnati, Dayton and Franklinton he would meet men who had seen all parts of the country contiguous to their homes, many of whom had been surveyors, and who had thus a double advantage in obtaining knowledge of the country.

Mr. Kilbourn remained in the West the entire summer. He selected a desirable tract of sixteen thousand acres on the east bank of the Olentangy River, about ten miles north of Franklinton, and in the autumn returned home. He did not then purchase the land. The Constitutional Convention for the organization of a State government did not meet until afterwards, and he did not care to locate unless the Constitution should prohibit slavery. True, the compact of 1787, the Constitutional law of the Northwest Territory, prohibited that evil; but strenuous efforts, especially on the part of Virginian residents, owners of Military lands, to secure a foothold in the productive valleys, allotted to them, and the inactivity of many settlers, caused no little uneasiness on the part of many who desired that unquestioned freedom should be guaranteed to all.

The convention completed its labors November 29, 1802, and as soon as the limited mail facilities of the times permitted, its provisions were known in the East. Mr. Kilbourn and his associates then made their purchase and completed their organization of the "Scioto Company." Forty persons in all were admitted, each of whom was carefully selected, one account stating that a single negative would exclude any person. Such a sweeping declaration is hardly probable, however. It would be extremely difficult, if not impossible, to gather together that number of persons in any community, and find an entire unanimous choice in each and every person proposed.

The articles of association were signed December 14, 1802. They confirmed the selection made by Mr. Kilbourn, and its purchase by their committee, and their preparations were made to emigrate to their new home. The land was "in the eighteenth range, first township, first section; second township, second and third sections, and third township, second section, government land, containing sixteen thousand acres." The price was fixed at one dollar and twenty-five cents per acre.

The purchasers agreed that one lot of one hundred acres should be devoted to school purposes, and a similar lot to be used for the benefit of a Protestant Episcopal church. Two roads were to be laid out through the center of the tract, one running east and west, and one north and south. At their intersection, a town plat of one hundred and sixty acres was left, to be laid out into lots, each containing one acre. Four of these lots, lying on the central corners, were to be given as a public square or green, ornamented with shade trees, and made as attractive as possible. One of the town lots was reserved as a site for the church, and one as a site for the school house. The following is a list of the original colony, and the village lots apporportioned to each one:

James Kilbourn	93, 94, 116, 117
Thomas T. Phelps	5, 6, 156
Abner Pinney	54, 59, 70, 102, 127, 128, 129, 130
Russell Atwater	30, 40, 46, 86, 90, 108, 119, 120, 121, 122, 135, 136
Jedediah Norton	15, 41, 42, 47, 48, 49, 50, 55, 56, 74, 83, 85, 87, 92, 106, 111, 113
Job. Case	84, 88, 91, 95, 155
Levi Hays	13, 14, 19
Levi Buttles	3, 4, 20, 149, 24
Jeremiah Curtis	68, 69
Zophar Topping	1, 20, 80
Ebenezer Street	57, 81
Nathan Stewart	67, 99, 100, 110, 143
Roswell Wilcox	133
Lemuel Kilbourn	45
Jonas Stausberg	36
Abner B. Pinney	28
Josiah Topping	23, 24, 53
Arariah Pinney	44
Moses Andrews	21, 22
Samuel Sloper	51, 52

William Thompson.....	63, 77, 82, 103, 115, 141, 142, 146, 159, 160
Alexander Morrison, sr.....	2, 26, 39, 58, 72
Samuel Beach.....	11, 12, 147, 148
John Gould.....	18, 109
Alexander Morrison, jr.....	31, 32, 33, 34, 43, 77, 114, 125, 126
Ezra Griswold.....	16, 17, 61, 62, 78
William Vining.....	104, 105, 123, 124, 131, 132
John Topping.....	131, 132
Israel P. Case.....	27
Israel Case.....	37, 38, 137, 138
David Bristol.....	7, 8, 60, 61
Glass Cochran.....	97, 107, 112, 139, 140, 150, 151, 152, 153, 154
Lemuel G. Humphrey, Ambrose Case and Jacob Mills.....	9, 93, 98
James Allen.....	65, 69, 96
Nathaniel W. Little.....	25, 71, 75, 118, 144, 157, 158
Ichabod Plumb.....	101
James Kilbourn and others, Committee.....	10, 35, 64, 76, 134

The owner of the lots could erect a dwelling thereon, and occupy it or sell the lots as he saw fit. The cost of the entire tract (sixteen thousand acres) was twenty thousand dollars. This divided among forty persons made each share of purchase money five hundred dollars. The preliminaries were all arranged at the organization of the Company, and show careful consideration on the part of the owners. Their new home in the wilderness should be as attractive as their limited means would permit. They would enjoy, from the first, school and church privileges, the foundation of all American progress.

During the winter of 1802-3, preparations on the part of the associates to remove to the West were begun. It was during his visit of exploration that Mr. Kilbourn made his map of Ohio, whose boundaries were now known. Its compilation was made in the office of Colonel, afterwards Governor Worthington, at Chillicothe, who was then register of the land office for this district. The part delineating the Indian Territory, was copied from a map compiled by his father-in-law, Mr. Fitch, who had been, in his youth, a captive among the Indians in the Northwest Territory. It is worthy of remark here, that the original model of Mr. Fitch's steamboat is now in the possession of I. N. Whiting, esq., of Columbus, a descendant of Mr. Fitch, who realized little else save, perhaps, renown, from his invention. He lived,

however, to see his ideas practically used in steamboats whose magnificence was far beyond his most brilliant expectations. The map made by Mr. Kilbourn was the most accurate one of the time, and was largely used by emigrants in their selections of land and in their journey westward. It was the guide of the associates and their families as they wended their way through pathless forests, to their western home.

By the opening of spring Rev. Kilbourn was ready to go again. April 7, 1803, a mill-wright, a blacksmith, and nine other laborers, one of whom was accompanied by his family, embarked in two wagons, and guided by Mr. Kilbourn, started for their western home. Before the end of the month the party reached Pittsburgh, where Mr. Kilbourn purchased mill-stones, mill-irons, bar-iron, nail-rods, etc., and in a Kentucky boat shipped them down the Ohio, in care of part of his company, with food and other necessities of life, to the mouth of the Scioto. Here they were to secure a keel-boat in which they were to complete the journey up that stream to the purchase. Leaving the balance of the company to come with the wagons, Mr. Kilbourn proceeded on horseback, arriving at the end of his journey some time in advance of the others. May fifth, he cut the first tree on the tract, and began preparations for the colony he had left. Towards the latter part of the month the wagons reached the end of the wagon road, probably at Lancaster or Franklinton, from whence two of the men were sent by an Indian trail to inform Mr. Kilbourn, and to ask his aid. He at once returned with the men, and in a few days, by cutting a road through the forest, the little company safely completed their long journey, and in united and hearty voices testified their congratulations.

Erecting temporary shelter, they proceeded to clear a large field of rich bottom land, wherein they planted potatoes, corn and turnips. They also erected a school house, a log church, a blacksmith shop and twelve cabins. They began a dam across the Olentangy, and laid out the town, Mr. Kilbourn being the surveyor, and began to erect cabins. By this time midsummer had arrived, and leaving his colony in good condition, Mr.

Kilbourn returned East to conduct his own and ten other families to the purchase.

While these events were transpiring other associates were preparing for their journey westward. Lemuel Kilbourn, an older brother, with his family, and accompanied by Levi Pinney, Alexander Morrison, jr., Abner P. Pinney, William Morrison, Adna Bristol, E. C. Brown and Israel P. Case. This party arrived soon after James Kilbourn left for the East, and began at once the erection of a mill and of cabins. September 15 James Kilbourn, Ezra Griswold and several others commenced their western travels. Mr. Griswold was the first to reach the end of the journey, arriving October 26. The others came soon after. Mr. Griswold occupied a cabin on village lot seventy-one; William Thompson, on seventy; David Bristol, on sixty; James Kilbourn, on sixty-one; Samuel Beach, on ninety-two; Zophar Topping, on eighty-three; Alexander Morrison, on eighty-two; Nathan Stewart, on one hundred, and Glass Cochran, on one hundred and one. All used the same well, on the south church lot. In the log school house, which was ready for use soon after the arrival of the families, and which stood on the south college lot; a subscription school was taught during the winter by Thomas T. Phelps. The next summer he was succeeded by Clarissa Thompson, and from that day to this, summer and winter, the means of education have been freely offered to the youth of the settlement. The first timber cut in the colony went into the construction of the school house. Education and religion were the cardinal principles of the promoters of the colony, and the influence exerted by these men have left their impress to this day.

Before the snows of the winter of 1803-4 came, one hundred persons were established in the colony. An Episcopal society had been formed, and regular divine services held every Sabbath. Mr. Kilbourn was not only the pioneer minister in the Protestant Episcopal Church in Ohio, but his church, organized in the winter of 1803-4, is the pioneer church of the denomination in the Northwest Territory. A postoffice was established soon after the settlement was made. William Robe was appointed postmaster, who held the office ten years. The mail

was brought from Franklinton. In after years Mr. Robe was a teacher in the Worthington Academy. Mr. Griswold opened the first tavern in the colony in his cabin on his arrival in 1803, and in 1805 built the first frame house in the settlement. In this cabin was also kept the first store of the colony. The store-keeper was Nathan Stewart, who was also a distiller.

The colony was well provided for the winter, and, owing to the foresight of its founders, the people were spared many of the privations of pioneer life. Most of their supplies could be obtained at Franklinton, where the mail was secured; or, by going down the river, if open, to Chillicothe, many of the luxuries of life could be obtained.

People are inclined to "link their fortunes" under all conditions of life. February 10, 1804, ere the colony was a year old, Thomas Stevens, Esq., of Franklinton, in the log school house in that village, united in marriage Abner P. Pinney and Miss Polly Morrison, and Levi Pinney and Miss Charlotte Beach, every one in the village being present.

The spring of 1804 larger clearings were made, and more extensive crops planted. No new settlers seemed to have arrived, and no deaths occurred, hence the number of inhabitants remained the same. As the summer advanced, preparations to celebrate the Fourth of July in the best style possible, were made. A novel and ingenious plan was evolved by some patriot. At that time the Union was comprised of seventeen states, Ohio being the last one admitted. Seventeen gigantic trees, representing the several states, were simultaneously felled at sunrise, the crash of their downfall and the cheers of the people resounding through the forest. The Declaration of Independence was, no doubt, read, and the usual flow of Independence oratory undoubtedly prevailed. Drunkenness was not countenanced, and here was held one of the first temperance Fourth of July celebrations in Ohio. Nearly all adults of this colony were members of the Protestant Episcopal Church, and here, in this settlement, was constituted the first church of this denomination in Ohio. Mr. Kilbourn had charge of the church and officiated several years as its minister. He also visited other parts of Ohio, baptized children and performed other duties in-

cumbent on him in this office. At one time he was called to preach in the hall of the General Assembly in Chillicothe, both houses adjourning to hear him. The growing colony demanded more and more his attention, and finally, after inducing Bishop Chase to come to Ohio in 1817, he relinquished all ministerial duties.

Two years after the colony was started, Mr. Kilbourn built a grist mill on the Olentaugy. Two years after, Preserved Leonard brought water from Brush Creek in troughs, about one-fourth of a mile. Water thus brought, turned an overshot wheel. In 1804, Colonel Kilbourn erected the first brick house in the settlement, which is yet, I think, standing. In May of this year he also surveyed the village plat. In 1805, he was appointed a civil magistrate, and captain of all the militia of the frontier. The Greenville treaty line was only twenty-eight miles north of Worthington, and hence, the duties devolving upon him as guardian of the people's safety, were by no means light. He opened an Indian trading house, where he became acquainted with the natives, and wherein he also made money by their trade.

In 1805, he explored the south shore of Lake Erie, and selected the site of Sandusky City as a trading point. It was almost due north from Worthington, and became a great northern depot for trade in the Scioto valley. Soon after he was appointed by Albert Gallatin, Secretary of the Treasury, Surveyor of Public Lands, and under his direction, in nine years the survey was completed. In 1806, he was one of the first trustees of the Ohio University at Athens, and two years after was also appointed one of three commissioners to locate the seat of Miami University. About the same time he was elected major of the frontier regiment, then lieutenant colonel, and finally, during his absence, and against his will, colonel, which latter office he declined to fill, resigning his commission.

Worthington College was chartered in 1817, and Colonel Kilbourn elected President of the corporation, which office he filled several terms. This year, he was appointed by the President, the commissioner to settle the boundary line between the public lands and the great Virginia reservation. This duty was

performed amid much peril and hardship. Soon after its completion he was elected to the Thirteenth Congress. During his absence he was unanimously re-elected colonel, and this time accepted the office. In 1814, he was re-elected to Congress and served one term, declining a re-nomination. About this time he also embarked in the manufacture of woolens, expecting the war tariff would continue, which, however, was not the case, and about 1820 he found himself, at the age of fifty years, almost penniless. His large family was unprovided for; large unproductive mills at Steubenville and at Worthington were on his hands, and he must begin life anew. His rod and compass were resorted to again, and as a result, more roads, townships, boundary lines, etc., were surveyed by him than by any other person in this part of Ohio. He soon acquired a comfortable property, and was soon also engrossed in public affairs.

This company through which his losses occurred, the Worthington Manufacturing Company, was established by Colonel Kilbourn and others. Colonel Kilbourn was President and general manager. A large factory was built in 1814 or 1815, on a tract of land west of town, where woolen cloth was made, leather tanned, cabinet work done, and hats and caps manufactured. Stores were opened in Franklinton, and in the new State Capital, then two or three years old, and employment furnished many people. Paper money was issued and a sort of banking business carried on. The company failed in 1819 or 1820, with large losses to all investors.

Worthington has the distinction of being the first town in this part of Ohio to start a newspaper. In 1811, Colonel Kilbourn and a few friends started the *Western Intelligence*, a small, energetic four page sheet, issued weekly. Two years later the paper was sold to Columbus parties, who moved it, with the printing office, to that growing town, where it became established, and where, to-day, its continuous successor lives as the *Ohio State Journal*.

In 1823-4, Colonel Kilbourn was a member of the Ohio Legislature; again in 1838-39, the latter year being also presiding officer at the ceremonies of laying the corner-stone of Ohio's present Capitol. The next year he was presiding officer of the

great Whig convention, held February 22. Colonel Kilbourn was, by this time, seventy years of age, and, beginning to feel the infirmities of life, he declined all public trusts, save that of assessor for Franklin county, which office he filled until 1845. During this time he delivered many public addresses on all varieties of national and state questions, his interest in public affairs continuing to the end of his days.

The decline of life came about 1848, and two years after, at the ripe old age of eighty years, he died at his home in Worthington. He had seen the place a forest—a wilderness; he left it the homes of affluence, and the dream of his life, the labor of his body and mind fulfilled.

THE UNDERGROUND RAILROAD IN OHIO.

PROF. WILBUR H. SIEBERT, A. M.

It is a rare reform movement that begins with a consensus of opinion in favor of the reform among the thinking men of the day. We have, nevertheless, such a movement to consider in this paper.

It is strange, indeed, but nevertheless true, that at first there was general agreement North and South, that slavery was expensive, wicked, cruel, detrimental to a developing statehood, destructive of public as well as private morality. Those who used their eyes to see and were in localities where they could observe, were most outspoken in their condemnation of slavery, most favorable to its abolition. We need not be surprised then to find southern gentlemen like Washington, Jefferson, Mason, Gadsden, Laurence and Pickney in agreement with northern philanthropists like Franklin, John Adams, John Jay, Hamilton, Livingston, Governor Morris and others in the declaration made by Mr. Madison, viz., that he thought "it wrong to admit in the Constitution the idea of property in men."* Roger Sherman expressed, no doubt, a general hope when he stated that "the abolition of slavery seemed to be going on in the United States, and *that the good sense of the several States would probably by degrees complete it.*" It seems clear, moreover, that in this early period the prevailing sentiment of the *people*—the multitude of the South, as in the North, was "decidedly opposed to slavery." The *evil* was thus generally admitted to be *an evil*, and "no one openly advocated its perpetuation."†

It is a sad fact, nevertheless, that slavery *did* perpetuate

Given under the auspices of The Ohio Archæological and Historical Society, in the Entertainment Room, Trinity Parish House, Columbus, O., Tuesday evening, November 13, 1894.

* "An Hist. Research, respecting the Opinions of the Founders of the Republic on Negroes as Slaves, as Citizens, as Soldiers," by Geo. Livermore, 1863, p. 51.

† Supra, p. 22.

itself in the Union. This is the remarkable thing which demands an explanation. In view of what has thus far been said, it appears that human bondage was a detested interest of our country and our statesmen—an interest it and they wanted to disestablish. Why, then, was its disestablishment so long deferred?

When South Carolina hesitated to confirm the Federal Constitution in 1788, a member of her special convention—Mr. Galloway, by name—declared the chief reason when he said, “the property of the southern States consists *principally* of slaves. If they mean to do away with slavery altogether, this property will be destroyed.”*

In other language, a vast amount of valuable possessions was in question, and whether righteously held or not, was a desideratum of too great moment to be left out of account;—especially since these possessions, relieved of ownership, might become dangerous neighbors. Such was the very natural judgment of the wealthy and influential whites of the South. They felt they had too much at stake. The citizens of South Carolina lacked the *moral courage*,—we might call it from their standpoint the *hardihood*, even if they had the sentiment, to strip themselves of their authority over a body of slaves outnumbering themselves. The same thing was true, though in diminishing degrees, of Georgia and the other southern States.

Slavery was the “bad habit” (the vice) of the South, a base usage to which she was predisposed by inheritance, which she confirmed by practice under the incentive of favoring conditions, an acquisition which she soon found to be profitable, though in the long run it proved itself costly and ruinous to the whole country. There was no likelihood that the South would give up her established mode of life when once she found it highly lucrative. The commercial sanction is one of the mightiest we have to deal with in history. When, therefore, Whitney’s cotton gin increased the efficiency of slave labor, 150 fold and more, in the hitherto tedious process of seeding cotton, he helped the British inventors in the foreign cotton industries to make permanent the

* *Supra*, p. 81.

slave system of our southern States. It is said that in consequence of this invention our "exports of cotton leaped from 189,000 pounds in 1791 to 21,000,000 pounds in 1801, and doubled in ten years more." This was nothing else than a revolutionizing argument in favor of slavery. It was a practical endorsement of the system. The clink of incoming cash began to drown, and at length suppressed altogether the apologetic tone in the voice of the planter, the cotton merchant and those of allied interests. The abolition societies of the South ceased to encourage gradual abolition, and went out of existence. Slavery began to be talked about as a "*positive good*." As a matter of fact it was just then losing the amenities of the patriarchal type and becoming *worse* than a positive evil. In its degradation it was furthered by the purchase of the Louisiana Territory in 1803. The acquirement of the vast stretch of the Louisiana country was the acquirement of a region already acquainted with the usages of slavery under French and Spanish statute, a region adapted, especially in the alluvial tracts of the Lower Mississippi Valley, to rice and sugar growing, and cotton raising. As settlement progressed there, slavery spread with it. The brutal overseer system of plantation management was introduced; and it thrived while its suffering subjects languished. The supply of negroes in this section could not keep up with the demand for them, both on account of the destructive natural conditions under which the labor was mostly performed, and on account of the steady development of the new country. The lot of the slave in the rice swamps and sugar plantations of the far South was the dread and nightmare of the enslaved race; it tended to shorten the lives of those doomed to the experience. A constant importation of blacks consequently went on. A steady market in the lower latitudes brought its concomitant development in the higher. Along the southern border of the free States, slave-breeding and auction sales of the human product found their contemptible devotees. Enforced separations of slave families became frequent, and the blacks sold were mostly sent "down South."

Such treatment was simply benumbing and bewildering to the great mass of the slaves, no doubt; to some, those of high spirit, it was a goad not long to be endured. These latter fled

whenever they had opportunity. The mere fact of bondage, without its grosser cruelties, was unbearable to *some* negroes of the border States. These superior natures felt an "irrepressible longing for the boon of freedom." The following incident illustrates this point:

"Before the war, there came into the public room of a hotel in Canada, near the frontier, one day, a bright-looking negro.

"'I s'pose you're a runaway slave,' said one of the men in the room, looking sharply at the new-comer. Feeling that he was pretty well away from bondage, the darkey responded in the affirmative.

"'Well, we're glad enough that you've got away; but you don't seem to look very poor. Have good clothes down South?'

"'Suttingly, sah; same clothes as my massa.'

"'But you got a good many thrashings, eh?'

"'Nebber had a whipping in my life, sah.'

"'Never thrashed? Well, but I suppose you don't always get enough to eat, do you?'

"'Always had enough, gemmen; nebber went hungry.'

"'What?' said the persistent interrogator. 'Good clothes, no punishment, plenty to eat? Now just think of it,' he said, addressing a group of loungers. 'This fellow has left a position where he enjoys all these privileges, for an uncertainty.'

"'Gemmen,' replied the darkey, 'all I'se got to say respectin' dem privileges is, dat if any one ob you wants to avail hisself ob 'em, *de situation am open!*'"

Several weeks ago, I talked with an old-time runaway from Kentucky now living at Ironton, Ohio, who fretted continually in the harness of slavery. His was a light harness, and the master spared the lash, but the man still knew that he was being driven and owned like the beast that he used in his work. This man told me that when he ran away he was dressed in a suit of black broad-cloth, and expected to keep himself thus clad thenceforward; his purpose was to live a gentleman, thinking that is what freedom must mean. He has come to consider that view a huge joke; he laughingly told me he has not worn a broad-cloth coat since the time of his self-liberation.

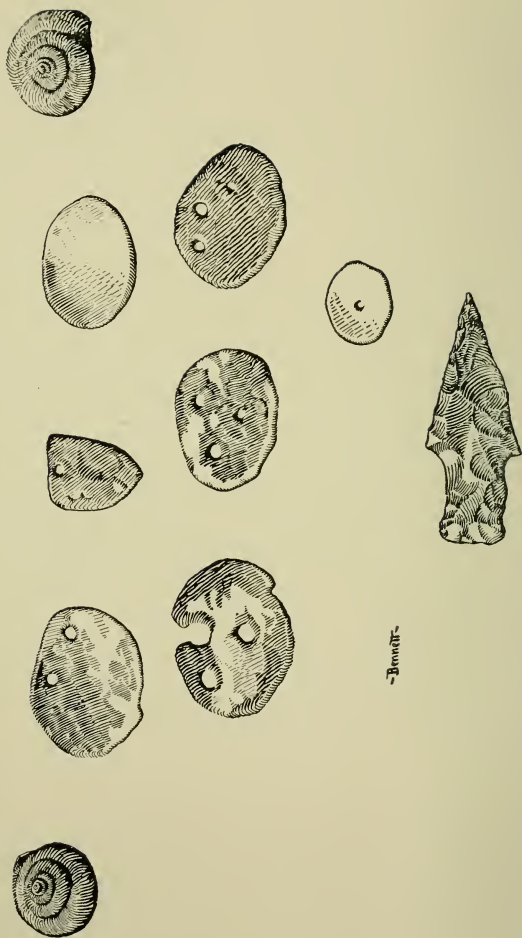
Do you suppose that man would exchange the present for

the earlier days? Such a thing could hardly be imagined. Asbury Parker insists that it was in him to be a free man from the time he was a boy thirteen years old.

These cases are typical of a considerable, indeed, I might say truthfully, the whole number of runaways. They show that these people had minds for something higher than their comfortable keep. The testimony of many a generous householder who lodged, clothed and encouraged the foot-sore, weary fugitive, stands as proof that the poor pilgrim's journey was laborious, nay, even dangerous in the extreme. No leisurely pilgrimage in congenial company to a beneficent shrine was his. Far otherwise. He had a gauntlet—no, a series of gauntlets to run. Lucky was he if he found those who would help him through even a short distance in safety. He did the wise thing—but it is a shame upon us—to make his course in the night.

Enough has been said to show how slavery sunk to lower and lower stages of degradation. In the early days, though a turbid stream, it had floated some fine craft, liberal, generous in their ability to bear up numbers of enthralled beings, and to carry those forward towards a post of intelligence and freedom. The currents of the river were then fed by some generous tributaries. Now, these were dried up or had become poisoned; when they flowed at all they brought in contamination from the meanest sources of the soul, through channels choked and narrow. The river lost its spirit of life, it became dull, death-breeding. In increasing numbers the darkies, who had lived and labored on this stream, left their uncertain abodes for a distant retreat. The evils of slavery were become intolerable generally, and many slaves declared boldly for freedom. If this boon were beyond reach, they preferred death. It is tolerably certain that a table of statistics covering the period from 1793 to 1860, would prove that the increase in the number of fugitives was directly proportional to the progressive commercialization of slavery. Such a table can never be made up. All we can do is to study the conditions of the period, note certain surface indications, and base our generalizations upon these.

If you will call to mind a little of your United States his-



PERFORATED SHELL DISCS AND ARROWHEADS FROM A CHILD'S GRAVE, FT. ANCIENT, FULL SIZE.

tory, you may remember that abolitionism early established itself in a number of our northern States.

The State Constitution of Vermont (not yet admitted to the Union) in 1777, of Massachusetts in 1780, and of New Hampshire in 1783, abolished slavery; and gradual abolition was secured by statute in Pennsylvania in 1780, in Rhode Island and Connecticut in 1784, in New York in 1799, and in New Jersey in 1804. As the States north of the Ohio and east of the Mississippi were admitted, the provisions of the Ordinance of 1787, under which their territorial organizations had been effected, made them free States. In 1857, the Supreme Court in the Dred Scott decision denied the validity of this last abolition, but its essential feature had been inserted in the constitution of the only State as yet formed in it, *Iowa*.*

The free States here specified—thirteen and a half—constituting about one-quarter of the present area of the Union, and forming an irregular crescent about the great lakes, are bounded on the south from east to west by the Atlantic Ocean, the south line of Pennsylvania, the Ohio River, the Mississippi River from Cairo to Keokuk, the southern boundary of Iowa, the Missouri River and a line northwards as straight as possible from the Missouri to the Red River of the North. The territory thus described lay between the opposing conditions of bondage and freedom for the American slave. Its width varied. It ranged from one hundred and fifty miles at the eastern extremity to two hundred and fifty in New York and Pennsylvania; in Ohio it shrunk to one hundred and fifty miles and less, then broadened to two hundred and sixty miles in Indiana, and seven hundred in Iowa. This uneven strip was likely to become the scene of slave migrations under the circumstances I have attempted to set forth. It did become so, as we shall see. But we must first consider why it did not become straightway the domain for fugitive settlement.

The question of the status of fugitives in free regions, was first brought up by the action of the States of Vermont, Pennsylvania, Massachusetts, Connecticut and Rhode Island, in tak-

* Encycl. Brit. Amer. Supplement. Vol. L., p. 18.

ing steps from 1777 to 1784 toward immediate or gradual emancipation. Marion Gleason McDougall tells us that before "the change of condition in the States was completely understood the same question had arisen in the western territories."*

The Northwest Ordinance of 1787 contained the first legislation by Congress upon this point. It provided for the legal reclamation from the new territory of any person "escaping into the same from whom labor or service is lawfully claimed in any one of the original States." At the same moment almost, the Philadelphia Convention, which was framing the Constitution, acceded to the demand of Mr. Butler of North Carolina, and adopted his provision for the return of fugitives, as follows: "No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered upon claim of the party to whom such service or labour may be due."

Thus, presumably, the delivery of the self-freed slaves into the hands of their masters in any part of the United States was doubly assured. At the same time, ground was furnished for the slave-holders' argument that there existed a constitutional sanction of slavery. But for five or six years the new sanction remained inoperative.

A case of kidnaping in Pennsylvania brought it once more to the public mind, and by action of Congress early in 1793, the clause in the Constitution was given point and application. The first fugitive slave act (1793) laid a penalty of five hundred dollars upon any person who hindered a claimant from arresting a fugitive owing him or his client service (either by interference or by rescue of the chattel), or for harboring or concealing "such person after notice that he or she was a fugitive from labour." The certification by the party-in-search before a United States circuit or district judge within the State where arrest was made or before the nearest local magistrate, was to be sufficient warrant for carrying back the fugitive to his owner. These several provisions, together with the fair treatment re-

* Fugitive slaves, p. 13, Fay House Monograph.

ceived in foreign parts, whether in Canada, Mexico or among the Indian tribes, must constitute the runaway's excuse for settling beyond the free zone of our northern States.

It is not to be supposed, of course, that the slaves of the South were students of the Constitution and other of our State papers. They did not thus gain the knowledge of their rights or absence of rights. Their legal status in this or that region was left for them to find out by experience or by rumor. The small number who lived along the boundaries of free States, or back a few miles, early learned the distinction between free soil and slave territory. The frequent errands upon which the more trusted were sent, took them to places where the bribe of freedom floated in the very air and tolled them on to flight, or sent them back with desires that found utterance in the low, ill-built cabins of attentive friends. Northern whites in the South were not always tongue-locked, and sometimes gave explicit directions to their neighbors' servants. The still small voice of nature itself spoke encouragement to souls that panted for freedom. Everywhere in the enslaved South flights were occurring, and the severest laws, the most alert patrol system, the most brutal plantation rules, nay, even the kindest treatment of master and mistress could not prevent them. The instinct, the natural aspiration of the human soul,—call it what you will,—is not to be scared out of man by buffets and bluff, or lulled to sleep by petty kindnesses. Many, many slaves of course, knew nothing of Canada, or had heard of it as a country too cold and barren for the endurance of the negro. Many others, whose information was nearer the truth, lacked courage to seek the distant but friendly land of liberty. Many more were restrained only by the bonds of love and kinship. When these bonds had been broken, or rumor threatened that they soon would be, recourse must be had either to bestial submission or to flight. The courageous chose flight. The direction they took depended upon knowledge, sagacity and circumstances. By circumstances, I mean, (1) location; (2) proximity of the slave to natural hiding-places, such as infrequented islands, swamps and bayous, or caves little known; (3) the presence of intelligent friends, guides and helpers. The success of the undertaking was determined by

the alacrity with which the fugitive's absence was discovered, his description and a reward for his recovery published abroad, and pursuit set on foot. If the fugitive had a weak-kneed purpose, he soon returned of his own accord, or was caught not far away and brought back in disgrace to receive outrageous chastisement under the raw-hide, finished by the application of salt to the bleeding back "to take out the soreness," and we may be sure to discourage the rest of the slaves from making similar, perhaps more successful expeditions.

But examples of this sort were vain—worse than vain. They bred the class they were expected to foredoom. Slave-catching became a vocation; and the use of bloodhounds to find out the haunts of the runaway was not uncommon in the South.

The refuge of neighboring woods and swamps was often sought by slaves. There they built them rude cabins or caves to live in, and hunted, fished, and foraged for provisions. Marion Gleason MacDougal mentions this class of escapes to the woods and swamps (Fugitive Slaves, 1619–1865, p. 56), she says: "In one of the papers of the day, an underground den is noticed, the opening of which, though in sight of two or three houses and near roads and fields where passing was constant, had been so concealed by a pile of straw, that for many months it had remained unnoticed. When discovered, on opening a trap-door, steps were seen leading down into a room about six feet square, comfortably ceiled with boards, and containing a fire-place. The den was well stocked with food by the occupants, who had been missing about a year."

In most cases, slaves were not so bold and preferred concealment on an uninhabited island, or a bit of land surrounded by morasses. "We often find advertisements of the time," continues Mrs. MacDougal, "mentioning such places as the probable refuge of runaways. *The Savannah Georgian* of 1857 offers a reward for two men who have been out for eighteen months, and are supposed to be encamped near Pine Grove Plantation."

The Great Dismal Swamp, extending from near Norfolk, Virginia, into North Carolina, was the chosen retreat of many fugitive negroes. A large colony of them established itself there,

and continued long enough for a generation of its people to be born and to live out their lives "in its dark recesses."

On our southwestern frontier down to 1845, the set of circumstances which fixed the direction of escapes was different. The Mexican territory that adjoined our Louisiana country had, after the year 1829, a constitution granting "freedom and equality to blacks." This fact soon became known to a considerable part of the black population of Louisiana, and after 1830 complaints began to be made by the whites of that State (1812) on account of the western emigration of their chattels.

The great interior regions, comprising the northern parts of Alabama and Georgia, the eastern extremities of Tennessee and Kentucky, and the western parts of North Carolina, Virginia and Maryland, are seamed with the three parallel ranges—the Cumberland, Allegheny and Blue Ridge Mountains. The intervening valleys were the natural means of egress into the northern States. Their great protecting walls covered with virgin forests, pierced at numberless intervals with side entries, useful for refuge, and plentifully supplied with limestone caves, were finely adapted to the needs of the runaway. Springs, creeks and rivers supplied him water and they insured him a supply of fish and game, and herbs with their fruits. Safety could be found in these mountain fortresses for months. If the fugitive felt that distance for him would lend enchantment to the view, he had but to follow the great northern thoroughfare—the valley where he was. His chart was in the lay of the land, his compass the north star. His knowledge of geography was the poorest imaginable—though he was ready enough to learn, Heaven knows—and he remembered with wonderful tenacity every remark that furnished an item about the North. An incident will illustrate this. Old Rev. Jacob Cummings, who lives on the western outskirts of Columbus, ran away from a "hard master" in July, 1839. He was befriended by a Mr. Leonard, a grocer of Chattanooga, whose abolition principles had been instilled into him in Albany, New York. This man, Leonard, took Cummings aside one day and told him where Ohio and Indiana were on the map, and where Lake Erie lay, declaring that Cummings ought to leave the South for Canada. The negro went back to the plantation, two

miles distant, with a mind thoroughly open for further knowledge. In a few days he engaged his master's grandson—Jim Sommerman, a youth of sixteen—in conversation about some flocks of pigeons seen flying northward, and was told they were going to the lakes. To penetrate the depths of the slave's ignorance a map was soon brought out and a few thoughtless pencil-marks showed the course of the birds. Mr. Cummings confesses without much shame that he stole that map at the first opportunity, and made the beginning of a successful journey to freedom.

Better for them than this dependence upon the crude ideas of ignorance, or at best half-knowledge, was the active aid of friendship and leadership which secured to thousands of fugitive slaves an easy emancipation.

Every black, who sought to liberate himself, found that he was under an almost crushing weight. Custom had not only made him a slave, but the law of the land and of the various States was bound that he should remain so. His return to slavery had been provided for in law, and the reward offered or likely to be offered for his arrest, meant that some despicable white, with his posse of roughs, soon would be in hot pursuit. The slave system, commercialized with its tincture of high profits, was disguised beyond recognition for many throats. Thank Heaven, it remained for some, though few they were, what Sterne so aptly calls it a "bitter draught."

These persons loved not their country less, because they loved justice, freedom and equality more. They believed thoroughly in the self-evident principles of the Declaration, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these "are life, liberty and the pursuit of happiness." This was, so to speak, the official warrant for the position taken by the great majority of them, aside from the strong natural sanction which they found in the human breast. Most of them were religious and took counsel of their Bibles, and had no doubt about its teachings.

The light which it gave to their believing minds was as sure a guide as the light of the North Star for the runaway. The conviction and practice of the friends of the fugitive seemed to be summed up in a song sent me by my friend, Thos. H. Gray,

an old-time abolitionist of Deavertown, Ohio. He says, his daughters used to sing it "in the old slavery days, when the Nation made it a felony to give a slice of bread or a cup of cold water to famishing men and women fleeing from a bondage worse than death." The last stanza gives the theme of the whole song. It is as follows:

"'Tis the law of God in the human soul,
'Tis the law in the Word Divine,
It shall live while the earth in its course shall roll,
It shall live in this soul of mine.
Let the law of the land forge its bonds of wrong,
I shall help when the self-freed crave,
For the law in my soul, bright, beaming and strong,
Bids me succor the flying slave."

Considering the derision, assaults and persecution of every kind the friends of the fugitive had poured out upon them, the risks they took in boldly confronting public opinion, and the pains to evade and violate law, no one can doubt the sincerity of their intention. Neither can one doubt their purpose to defeat the fugitive slave laws, and the clause of the Constitution upon which these were based. Unlike Wm. Lloyd Garrison and Wm. Jay, with their followers, these philanthropists did not shun "unconstitutional interference" with slavery. They believed in the moral suasion idea, and a goodly number of them were combatants up to the full measure of the Garrisonian standard. But in their labor for the slave, they acted rather on John Brown's view; that view in his own plain language was that "Talk was a national institution, but it did not help the slave." With Garrison and Jay, they *believed* in immediate emancipation, with Brown they *applied* the remedy frequently. Their principle of immediate emancipation had been accepted before Garrison enunciated it with ringing, reverberating tones in the Fall of '29.

Indeed, Garrison seems to have derived his doctrine from one of these helpers of fugitives, Rev. John Rankin, of this State. As proof of this statement, permit me to quote an inscription in an autograph copy of the "Writings of Garrison," presented by the author to Rev. Mr. Rankin. On the fly-leaf of the volume, Mr. Garrison has written, "Rev. John Rankin, with the pro-

found regards and loving veneration of his anti-slavery *disciple* and humble co-worker in the cause of emancipation.—Wm. Lloyd Garrison." This is dated "Cincinnati, April 20, 1853."

Another old fact in connection with Mr. Garrison's career,—one which we Ohioans have a right to be proud of,—is the fact that Benjamin Lundy, a little wiry Quaker of St. Clairsville, Belmont county this State, was directly instrumental in enlisting Garrison in the abolition cause in 1828, while lecturing in the East. Filled with Rankin's idea of freedom at once for the slave, young Mr. Garrison was sought out and supplied with the medium for his message in the shape of the paper *The Genius of Universal Emancipation*, by its editor, the Quaker Lundy. Ohio becomes in this way the source of the anti-slavery movement of 1830 and succeeding, and her worthy citizens Rankin and Lundy, the fathers of the new abolitionism.

This is the beginning of a renaissance of American morals. The question of slavery which had been set at rest by the Missouri compromise of 1820, needed reopening if the country was ever to arouse from its stupor and shake off its terrible national vice. Benjamin Lundy, as a youth of nineteen, had been pierced to the quick at sight of slave-gangs driven in chains through the streets of Wheeling, West Virginia. He wrote in his diary at that time: "I heard the wail of the captive, I felt his pang of distress, and the iron entered my soul." The depth of his conviction is shown in his wonderful zeal for anti-slavery work, a zeal which displayed itself in his canvass of nineteen out of the twenty-four existing States in behalf of the cause he advocated as lecturer, as editor, and as organizer of numerous societies.

The voices of these men alone speak to the deaf ears of the years from 1800–1830. The shameful silence of these decades would have been unbroken but for them. Then Garrison heard the call. His enlistment at once assured the quickening of the whole country.

In the meantime, slaves were still thirsting for liberty, and were finding relief with the secret help of a few scattered, principle-abiding, if not law-abiding people. These were the simon-pure abolitionists, who braved public prejudice for years,

and ostracized themselves by helping the deserving negro to his liberty. Taken together they constitute that mysterious organization known as the "Underground Railroad."* It was the self-imposed business of this concern "to receive, forward, conceal and protect fugitives." It got its name from the hidden methods it employed in its operations. The way the name was received was as follows: A fugitive named Tice Davids traveled one of the Ohio routes in 1831 from Ripley to Sandusky. The slave set out upon his journey under unusual circumstances, no doubt, for his master, a Kentuckian, was at his heels from the start till the Ohio River was reached. There the master was delayed by search for a skiff, but found one in time to keep the runaway in sight, now swimming his best, and to land only a few minutes later than he. His subsequent hunt failed to secure his property, and the master was mystified. At his wits end, he said. "That nigger must have gone off on an underground road." The aptness of the title was seen at once, and the rapid transmission of the story within and beyond the State, soon fixed this designation on the "system."

In the nature of the case, it is difficult to tell where the "Underground Railroad" took its rise. It is, however, probable that "the first efforts towards any systematic organization for the aid and protection of fugitive slaves" occurred "among the Quakers in Pennsylvania." In one of the Johns Hopkins University studies, Mr. A. C. Applegarth notes the fact that General Washington sought to discourage as repugnant to justice the action of a society of Quakers in Philadelphia, in trying to liberate a slave, who had escaped from a certain Mr. Dably, of Alexandria. General Washington wrote under date April 12, 1786, and states that the society was "formed for such purposes."† The spirit manifest in this company was not alleviated certainly by succeeding events in Pennsylvania. After the passage of the law of 1793, a great number of cases of kidnaping for the purpose of enslaving free blacks roused the people in the

* Before the Thirties it was known as the "*Underground Road*;" after 1835 the name naturally changed to "*Underground Railroad*."

† Johns Hopkins Univ. Studies, Quakers in Penn., by Albert C. Applegarth, Ph. D.

State, and "their sympathies once enlisted for the colored race, it was but a step to the aid of the fugitive negroes."† For this step, as we have seen, there existed precedent in the Dably case.

It is just beginning to appear how extensive the Underground Railroad system was. My own researches show that its branches ramified widely through the old free zone of our northern States from New England to Iowa and Kansas. In the southern States there were not less than four great lines of travel to the North used by departing blacks. One was that of the coast from Florida to the Potomac. The region through which it ran was swampy, and more or less occupied in the inhabitable parts by negroes who had taken refuge there. These people were of course willing to help along their fellow-sufferers who were working their way slowly and painfully northwards.

The second southern extension was that protected by "the great Appalachian range and its abutting mountains, a rugged, lonely, but comparatively safe route to freedom."

This line was one much used. Mr. Richard J. Hinton, in his new book on "John Brown and his Men," (p. 172) tells us that Harriet Tubman, the remarkable black woman who made her escape unassisted from the south when a young girl, and then gave herself to the work of fetching out others, "was a constant user of the Appalachian route." Her people lovingly called her "Moses," and John Brown introduced her to Wendell Phillips by saying, "I bring you one of the best and bravest persons on this continent, *General* Tubman, as we call her." First and last Harriet is said to have brought out several thousand slaves.

The valley of the Mississippi was the third great channel for slave egress northward. It was the most westerly until Kansas was opened to settlement. Then the fourth route, running from the southwest slave section through Kansas, Iowa, and northern Illinois to Chicago, was created, "a bolder way of escape." All of the friends of the slaves were not on land. Some of the officers of the boats engaged in the coast-wise

† Fay House Monographs No. 3. Fugitive Slave 1619-1815, by Marion Gleason McDougall.

traffic between southern and New England ports, were thorough believers in the aspirations of the blacks, and carried away slave passengers to Newport, Providence, Boston, Portland and many other maritime towns. Sometimes the runaway took passage on a freight boat as a hand, or perhaps was snugly stowed away by the colored cook and his assistants, who later in the trip saw their protege safely landed and placed in good care. The dusky travelers through Kentucky or western Virginia often eluded pursuit by paddling down the tributaries of the Ohio at night in canoes borrowed for the occasion; thus they were enabled to land on the welcome soil of Ohio or adjacent States. If the wayfarer was on foot, inquiry in the right quarter discovered to him a black, or perhaps a white agent of the Underground Railroad ready to ferry him across the beautiful Ohio. This delivery out of bondage was accomplished in the night, as a simple precaution. It was not an infrequent occurrence for those who had reached the Ohio in safety, to find protection on a river-steamboat, whence they landed in a few days at Pittsburgh or some way-station. However, the great majority of fugitives who reached our southern border took a less circuitous but more tedious route. They made their journey thenceforward across country, directed or guided by friends.

A map of Ohio, which I have prepared, shows the devious paths of fugitive travel through the State to Canada. It shows there were certainly not less than twenty-three ports of entry for runaways along our river front. Thirteen of these admitted the slaves from the two hundred and seventy-five miles of Kentucky shore on our southwest, while the other ten received those from the one hundred and fifty miles of Virginia soil on our southeast. From these initial depots the Ohio routes ran in zigzag lines, trending generally in a northeastern direction, linking station with station in mysterious bond till a place of deportation was reached on Lake Erie.

There were five such outlets along Ohio's lake frontage. These were Toledo, Sandusky, Cleveland, Fairport Harbor (near Painsville), and Ashtabula Harbor. Toledo and fifty miles beyond it Detroit, were the shipping points for perhaps the oldest section of the Road in Ohio, though by no means the longest lived.

Col. D. W. H. Howard, of Wauseon, Ohio, the only survivor of this branch, a gentleman over eighty years of age, thinks its period of operation is fairly described by the years 1816 to 1835 or '40. He traces the route as follows: "I think the main and principal route crossed the Ohio river near Northbend; thence on as direct a line as possible (following the streams practicable) to the upper Auglaize, and the Blanchard's fork of the Auglaize, passing near the Shawnee village where is now the city of Wapakoneta, and to Ocquenesies town on the Blanchard, where is now the village of Ottawa; thence to the Grand Rapids of the Maumee (where the river could be easily forded most of the year), and at the Ottawa village of Chief Kinjeino where all were friendly, and the poor slave was treated kindly; thence by a plain trail north to Malden, Canada."

I want to tell here an incident which Col. Howard relates, by way of illustrating the methods used, the obstacles overcome, and the presence of mind needed by Underground railroaders, from the beginning to the close of the Road's activity.

Mr. Howard's story runs mainly as follows: "Ten miles below the Rapids at Roche Tebault * * or Standing Rock, lived one Richardson, a Kentuckian, who made his living by catching slaves. At one time my father, Edward Howard, was piloting a party of slaves north, and the trail passed only three miles west of Richardson's. * * * In order to avoid being surprised by this man it was necessary to keep a close lookout; and for greater safety the trip north from my father's was always performed in the night. We had a whisper from an Indian friend that this party, which we had kept concealed in the thick swampy forest near our cabin for some time, was being watched and would be ambushed on the way. The night they moved out on the trail, we (I was then but a boy, but often accompanied my father) took a circuitous route, hoping to elude pursuit. * * * After veering to our right and re-entering the old trail, my father left a boy to guard and bring up the rear. We had not advanced more than three miles, when we plainly heard the beat of horses' hoofs behind us; the guard was posted near the trail, with orders *to shoot the horse*, if necessary; in a few minutes two horsemen approached the ambushade and in a second more,

the sharp crack of a rifle echoed through the forest, and the horse with a groan plunged to the ground. This checked the pursuing party and gave stimulus and speed to the feet of the fugitives. The slave-catchers were now afraid to advance, and retreated over the trail, and the fugitives, though badly frightened, were permitted to continue their march to freedom unmolested."

We have seen that the line of road on which this incident occurred was probably the oldest in Ohio. It did not long remain the only route. The earnest teaching of Lundy and Rankin was imparted to minds open to truth. Indeed the *Quaker* settlements, scattered here and there through Ohio, were many of them, already well grounded in abolition sentiments. The bands of slaves freed by conscientious or by conscience-stricken masters and early located in sections not yet populated by whites, and the little communities of free negroes in different parts of the State became at once important centres of underground enterprise. Such localities were fearless in the defense of their visitors and sometimes induced fugitives to settle among them. In portions of the State a goodly distance removed from the danger along the border such persons occasionally became the proteges of their white neighbors. When such a relationship had arisen the conditions of a new phase of the "Underground" system had been created. This phase seems to have been denominated the "Subterranean Pass Way" by John Brown. A recent biographer of Captain Brown explains this "Pass Way" as follows: "It represented ideas and methods in accord with and enlarging the work on the Underground Railroad. The essential difference was that the rescued fugitives or runaways should be planted in or near to a northern or western community and not brought under the British flag. One purpose (in Brown's mind) was to educate northern people to defend fugitives."

Towns and villages where Covenanters, Wesleyan Methodists and the Free Presbyterians had churches, are found to be stations of the Underground Road almost without exception, earlier or later in their ante-bellum history.

Aside from the influences already hinted at, which led to the

propagation of lines for fugitive travel, there is, of course, the iron-clad Ohio Fugitive-slave Law of 1823, and the cases of arrest and kidnaping that occurred under it. Then, too, the large strain of New England blood in the veins of our Ohio stock must be made due allowance for. It is this element so widely diffused over the Western Reserve that must, with the Quaker element, be held accountable for the numerous interlacing lines of that portion of the State, from Marietta to the lake.

On the east and west sides of the State there were many cross-line connections with Pennsylvania and Indiana routes, respectively.

I have taken the pains to measure on a map of Ohio the number of miles of Underground Road within our domain thus far unearthed. An accurate statement would be from twenty-eight hundred to three thousand miles. The most active counties in the system as shown by a table of road lengths were Trumbull, with one hundred and fifty-three miles; Richland, with one hundred and twenty-three; Huron and Belmont, with one hundred and twenty each; Ashtabula and Jefferson, each with one hundred and seventeen; Lorain, with one hundred and eight, and Mahoning with one hundred and five. Eight or ten counties in the northwestern corner of the State did not engage in this passenger traffic. They are for the most part of too recent date. The remaining counties, with possibly one or two exceptions, had somewhere within their boundaries sections longer or shorter, of this invisible, yet serviceable road. The demands of secrecy were always carefully observed by those connected in any way with the thoroughfare, as we have seen. It is not strange, therefore, that records of the number of persons who used it in securing freedom were not kept, not even in the case of a particular branch of the road for a long enough time to fix closely for us an estimate of the whole number rescued. Guesses vary from forty thousand to eighty thousand. We have pretty satisfactory evidence that the brave black guide, Harriet Tubman, brought out several thousand, taking them through Pennsylvania. At least one operator in Ohio, for a long time a resident of Cincinnati, forwarded three thousand over Ohio.

and Indiana lines. I refer to the bold friend, Levi Coffin. Several other anti-slavery workers along the Ohio River no doubt aided between two hundred and three hundred slaves each. It is stated on pretty good authority that one William Lambert, who died in Detroit a few years ago, had helped not less than thirty thousand during the thirty-three years of his devotion to Underground operations. This seems almost incredible. In the present state of our knowledge it is uncertain business estimating the number of those rescued from bondage by Underground methods. As one unearths section after section of the old lines, however, and learns about the faithful service of many brave operators, one cannot avoid the conviction that the half has not been told.

BOUNDARY LINE BETWEEN OHIO AND VIRGINIA.

INTRODUCTORY.*

Previous to 1783 Virginia never laid any claim to the Ohio River—or, in fact, to any territory west of the Alleghenies, because, “this region was originally a part of the vast district claimed by the French, and known as Louisiana. The Mississippi River was discovered by French missionaries, and was subsequently explored to its mouth by LaSalle, who, according to the customs of the nations of that day, took possession in the name of his sovereign, Louis XIV, of the vast region drained by its waters. After the French war, France, by the treaty of peace of 1763, ceded to Great Britain all her possessions east of the Mississippi River. When the war of the American Revolution broke out, the whole of the eastern part of the great Mississippi valley was claimed by Great Britain, and by the treaty of 1783 between that power and the United States this region was relinquished to our nation. It is true that various States of the Union laid claim during the Revolutionary war to large tracts west of the Alleghenies on the ground of old English charters, but their claims were conflicting, and it was the policy of Congress not to decide between them. Eventually all these States made concessions of their claims, some with and some without reservations; but the probabilities are that the nation as a whole,

*In 1877 the Fish Commission of Ohio in their report concerning the Fish Culture in the State, considered also the subject of the territory over which Ohio laws, incident to this topic, could be enforced. This involved the question of the boundary line between Ohio and Virginia and between Ohio and Kentucky. The Commission suggested that the Legislatures of Ohio, Virginia and Kentucky respectively appoint Commissioners to fix the boundary lines of the State of Ohio along the middle of the navigable channel of the Ohio. The report then gives a statement of the history of this matter as given in the above Introductory. Then follows the argument of Mr. Vinton. Probably no one, certainly no Ohioan, ever gave such thought and study to this question. This matter was all incorporated in the report of the State Board of Agriculture for 1877, which report is now out of print and practically inaccessible. E. O. R.

which had really wrested the lands from Great Britain, was by the laws of nations the rightful owner of the region. These lands thus came from the French to the English by the treaty of 1763, and from the English to the United States by the treaty of 1783." According to the above, none of the States laid any claim to territory between the Alleghenies and the Ohio River, for, "in June, 1783, the officers of the army, to the number of 288, petitioned Congress that the lands to which they were entitled might be located in 'that tract of country bounded north on Lake Erie, east on Pennsylvania, southeast and south on the river Ohio, west on a line beginning at that part of the Ohio which lies twenty-four miles west of the mouth of the river Scioto, thence running north on a meridian line till it intersects the river Miami, which falls into Lake Erie, thence down the middle of that river to the lake.' They speak of this tract as 'of sufficient extent, the land of such quality and situation, as may induce Congress to assign and mark it out as a tract or territory suitable to form a distinct government (or colony of the United States), in time to be admitted one of the Confederate States of America;' and also as 'a tract of country not claimed as the property of, or within the jurisdiction of, any particular State of the Union.'" Special stress is placed upon the closing paragraph, viz., "*a tract of country NOT claimed as the property of, or WITHIN THE JURISDICTION of ANY particular State of the Union.*" Whatever right or title Virginia had to the Ohio River must have been acquired between 1783 and the time when she ceded her claim to the general government in 1787, but there is no record of any such acquisition.

In 1846, in the office of the *Cincinnati Gazette*, there was printed the "Substance of an argument of Samuel F. Vinton, for the defendants, in the case of the Commonwealth of Virginia *vs.* Peter M. Garner and others, for alleged abduction of certain slaves; delivered before the General Court of Virginia, at its December term, A. D. 1845."

Mr. Vinton devotes a number of pages to show that when a party claims the entire river as a boundary that then *low* watermark is the boundary line; then devotes a number of pages to a discussion of the laws of nations on this question. After

discussing the boundaries described in this chapter, as well as those of subsequent and amended chapters, he shows that by none of them had Virginia acquired any *title* to the country west of the Alleghenies.

As the transactions of the King, Parliament, and Congress, in relation to the boundaries of Virginia, are of the greatest possible importance to the people of Ohio in securing the middle of the navigable channel of the Ohio River as the boundary line, it was deemed not inappropriate to present Mr. Vinton's argument unabridged.

ARGUMENT CONCERNING BOUNDARY LINE
BETWEEN OHIO AND VIRGINIA.

BY SAMUEL F. VINTON.

May it please your honors, I cannot but regret that my learned friend (the Hon. John M. Patton), who opened this case for the Commonwealth of Virginia, has somewhat impaired the value of so good an argument, by the introduction into it, both at its commencement and conclusion, of a topic so very foreign to the subject now under consideration. To all else in his argument I listened with that pleasure and delight which high intellectual effort never fails to inspire. It will be understood that I refer to what was said by him on the subject of slavery, and of the correspondence now going on, and not yet brought to a close, between the executives of the two States, making mutual demands of certain persons as fugitives from justice. These are matters not before the court, and their connection with the case now before us is not very apparent.

If the argument of my learned friend had been an address to a popular assembly, or even before a jury of the country, I should have been at no loss to understand the object in bringing these topics into it. But when they are addressed to this grave and dignified tribunal of judges, sitting here to decide a naked question of law, I am unable to perceive their relevancy, or in what way they can aid the court in coming to a right decision of the case. Much has been said, and eloquently, by the learned counsel in praise of the institution of slavery, and in derogation of the abolitionists. I did not come here, may it please your honors, to engage in those questions that are at issue between the slaveholders and the abolitionists. I am not now called upon to assail the one or defend the other. The case before us has nothing to do with either, and I cannot permit myself to be drawn aside, or seduced into a discussion of this sort by anything that has been or can be said on that subject. I have the same remark to make about the correspondence between the executive of Virginia and of Ohio. The governor of Ohio has seen fit to send me here to

argue the case now before the court, and to protect, as well as I may, those rights of sovereignty and of soil that are brought in question in it. But he has not solicited my aid in his correspondence with Virginia. If he be right, he needs no defense from me. If he be wrong, he best knows how to defend himself. And whether he be right or wrong, I have no authority to speak for him here before this tribunal about a matter which it is not called upon to decide, and over which it has no jurisdiction or control. I shall also pass over in the same way all that was so eloquently said about the comparative power and prowess of the people of Virginia and Ohio. I would fain trust in God the day may never come when we, or our posterity, shall decide on the battlefield whether Virginia be able to dictate law to Ohio or Ohio to Virginia. All such speculation is worse than profitless, and can establish nothing. If the signs of the times do not greatly deceive us, the day is not far distant when the people of both may be called upon to stand side by side in the presence of the common enemy of the country, when ample scope will be given to each for the exhibition of their valor and prowess on fitter fields than those of civil strife. If this call be made, the established valor of Virginia, the deeds she has done, all her history assures us what she will do for her country. It will then be seen whether Ohio will do her duty also. Firm as is my faith that she will not be found wanting in the hour of trial, I shall nevertheless promise nothing for her, much less will I, here in this place, offend against good taste by vaunting anything in her behalf.

I will now proceed to the argument of the case before the court. The indictment contains three charges, or counts, founded upon different sections of the criminal code of Virginia, each section creating a distinct offense. But the facts found by the jury in their special verdict rendered on the trial of the case, show that the proof is applicable to one of the charges only. I shall, therefore, confine my remarks to it alone. That count alleges that the defendants, Garner, Thomas, and Loraine, did feloniously carry and cause to be carried out of the Commonwealth of Virginia into the State of Ohio six negro slaves, without the consent of John H. Harwood, their owner, with intent to

defraud him of the use, enjoyment, property and possession of said slaves, contrary to the statutes of Virginia in such case made and provided. The verdict, in the first place, finds the existence of certain laws relating to the title to, and jurisdiction over the place where the act in question was done, which will be noticed in the course of my argument. The verdict, in the next place, finds that the defendants were at the time when this act was committed, citizens of Ohio, residing in that State, about four miles back from the Ohio River; that on the night when the act was committed, the defendants, with some other persons, came from their residence to the river on the Ohio side, and going down under the bank, remained there for some time, when six negro slaves, the property of said Harwood, came across the river from the Virginia side, in a canoe, and landed it obliquely against the Ohio shore, running the bow upon the beach; that the defendants, and those in company with them, went down to the canoe as it struck the shore, and without entering it, stepped into the water at the bow, and assisted in taking from it some bags and articles of clothing which lay in that part of the canoe; that the defendants, and their companions, taking up these articles, were proceeding up the bank of the river, in company with the slaves, when certain persons, who lay in ambush on the top of the bank of the Ohio side, rushed down upon them, and, seizing the defendants, carried them forcibly across the Ohio into Virginia, where they were held in custody, indicted, and tried for the offense above specified.

The verdict further finds that the slaves on that night left their master in Virginia, without his knowledge or consent. The jury also found that when the Ohio River is at that stage which the boatmen on it call low water, the depth of water on the bars in the channel is from seventeen to twenty inches; that at extreme low water, or where the water has once been known to be, the depth on the bars in the channel was eleven inches only; that on the night of the 9th of July, 1845, when this transaction took place, the water on the bars in the channel was thirty-nine inches deep; that the average depth of water in the channel on said bars, for the whole year, is six feet, or thereabout; that taking the whole year round, one year with another, the water for nine

months, or thereabouts, would be higher than it was on said night of the 9th of July, and for three months, or thereabouts, lower than it then was; that below the banks the shores and bottom of the river are for the most part a gradually inclined plane, converging towards the channel, and that at the place where said canoe was landed, the edge of the water, at extreme low water, is some fifty or sixty feet in a right line measuring on the beach below where it was at that place on said night of the 9th of July. From these facts, the question presents itself, did these defendants, in aid of the escape of these slaves, pass over the territorial limits of Ohio, and enter within the limits and jurisdiction of the State of Virginia?

If they did not, then it is admitted by the learned counsel who opened the case that they are not amenable to the laws of Virginia. Whether they did so pass out of the limits and jurisdiction of Ohio, is the sole question that I intend to discuss.

This presents a simple question of boundary between the two States, and must be settled in the same way, and by the same law and principle that would govern it if the present were an indictment against the defendants for stealing a bale of merchandise at the place where these acts were done by them. And I cannot but regret exceedingly that this question, so important to the State of Ohio, should have arisen out of a transaction having any connection with slaves or slavery, since this adventitious circumstance creates a prejudice against the case, and gives it an outward appearance of being something different from what it in reality is, and which the mind has a natural tendency to associate with the question that does in fact arise.

I am sure I should do great injustice to this honorable court if I were to imagine it possible its judgments could be, in the least degree, influenced by the outward and accidental form in which this question is presented. Before, however, proceeding to the argument of the question of boundary, I beg leave to suggest that another important question might be made in advance of it, which I propose to state, but not to argue. It is, whether where the crime consists (as is alleged in this count of the indictment), in carrying slaves *out of one State into another*, the courts of either State have jurisdiction of the offence? Or whether the

trial and punishment of it does not exclusively belong to the jurisdiction of the Federal courts? The principles laid down and settled by the Supreme Court of the United States in the case of *Prigg vs. the Commonwealth of Pennsylvania* (16 Pet. 539) raise, to say the least of it, a serious doubt whether the sole power to prescribe the punishment for such a case is not vested in the Congress of the United States, and whether, as the law now stands, an indictment can be found, or punishment inflicted, except it be provided for by the act of Congress of the 12th of February, 1793, entitled, "An act respecting fugitives from justice, and persons escaping from the service of their masters." (See 2 Vol. L. U. S. 331.)

Passing over this inquiry, the question returns, was this act done within the limits or jurisdiction of Virginia? I shall maintain it was not, and shall place the negative of this proposition on several grounds.

The first ground upon which I shall maintain the negative of this proposition is, that the Supreme Court of the United States has so decided it. I shall give that decision a distinct consideration by itself, and shall then present the case on its own principles, independently of that decision. The claim now set up for Virginia is, that her territory and jurisdiction extend to the top of the bank on the Ohio side of the river. If that ground be maintainable, then I admit the decision must be in favor of the jurisdiction of the court over these defendants; but it is equally obvious that, if such be the fact, then the case laid in the indictment and specified in the statutes of Virginia, has not been made out—that is to say, the slaves, if it be so, were *not carried out of Virginia into Ohio*; which is the substantial fact alleged in this count and in the statutes on which it is founded. But if the top of the bank be not the boundary, then the argument in behalf of Virginia concedes that she has no jurisdiction over the case, since it is strenuously insisted by her learned counsel that the boundary line must be either at the top of the bank on one of the shores of the river, or in the middle of the channel, and that the law of nations knows no other boundary between States divided by a river than one of these. And proceeding on this assumption, he has labored with great zeal and ability in his

endeavors to overthrow the authority of the case to which I have already alluded, and shall shortly direct the attention of the court, in which it was decided by the Supreme Court of the United States that the line of the low water mark on the north-west, or Ohio side of the river, is the boundary. As I do not intend, nor deem it material, to discuss the proposition laid down by the learned counsel as the starting point of his argument, that the boundary must be fixed at the top of the bank, or in the middle of the stream of the Ohio, I will content myself with a single comment on that topic, which is, that his position overlooks the well established distinction, which he will find laid down in numerous adjudicated cases, between those rivers where the tide ebbs and flows, and are subject to maritime jurisdiction, and those rivers that are above tide-water, and beyond the maritime jurisdiction, as in the case with the river Ohio. His error consists in applying the law of tide-water rivers to all rivers indiscriminately. For this distinction, see 3 Sumner's Rep., 178. 2 Deveraux Rep., 30. 11 Ohio Rep., 142. 17 Wendell, 571. 3 Kent's Com., 427. 14 Serg. & Rawle, 74. 6 Mass., 435. 8 Greenleaf, 90.

I shall now return to the position that I propose first to establish, viz.: that the Supreme Court of the United States has already decided that the territory of Virginia does not extend to the localities where the acts complained of were done; that the low water mark, on the Ohio side, is the boundary. According to that decision this court has not jurisdiction of the case, for it is not claimed or pretended that these defendants went to or beyond the low water line. The case to which I refer is *Handley's lessee vs. Anthony*, reported by Wheaton, 5 vol., 374. It appears from the statement of the facts on which that case was decided, that at a place on the upper side of the Ohio River, in the State of Indiana, a considerable body of land is enclosed by the river in the form of a peninsula; that on the upper side or neck of the peninsula a channel or bayou puts out of the Ohio, and running across the neck discharges itself into the river on the other side of the peninsula; that at low water of the Ohio, or when the river is less than ten feet above low water, the channel is dry, and the peninsula forms a part of the

mainland; but when the river is more than ten feet above low water (which is the case for a considerable portion of the year), the peninsula becomes an island, wholly surrounded by the water of the river; that at that point the river rises above low water from forty to fifty feet. The United States being the proprietor of the land on the upper, or Indiana side of the river, as far as the limits of that State extend, surveyed this peninsula, sold it out, and issued a patent for it to the purchaser. The State of Kentucky, which owned the country on the lower and opposite side of the river, as far as her limits extend, granted a land warrant to one of her citizens, who laid it down on this peninsula, and obtained a patent from that State for the same land covered by the patent from the United States. The Kentucky patentee then brought an action of ejectment in the Circuit Court of the United States, held in the State of Kentucky, against the claimant under the patent from the United States, who was in possession of the land. Both governments had granted patents for the same land. The title, it is plain, could not exist in both at the same time, nor could the land be within the limits of both States, consequently one of these patents was of necessity invalid. The patent was void which had emanated from that government beyond whose limits the land was situated. In this state of facts the plaintiff's case necessarily rested on the sole question, whether the land in controversy was *within* or *without* the limits of Kentucky. If the boundary of Kentucky (which at the time of the cession by Virginia of the country beyond the Ohio to the United States was a part of Virginia, and has therefore now the same river boundary as Virginia), extends, as is now claimed, to high water mark, or the top of the bank on the upper side of the Ohio, then it is plain the land in controversy in that case was within the limit of Kentucky, and the Kentucky patentee would be entitled to recover the land. The court, therefore, in deciding against the validity of the Kentucky patent, of necessity repudiated the top of the bank, or high water mark, as the boundary. It is perhaps, worthy of remark, that the case was tried in the Circuit Court, by Kentucky lawyers, and before a court composed of judges who were citizens of Kentucky, one of whom was a judge of

the Supreme Court of the United States. It was tried by men who had an interest, and no doubt felt a disposition to maintain the limits of Kentucky to their legal, fair and full extent. When the case was brought up to the Supreme Court of the United States, it was argued for the plaintiff by counsel from Kentucky of the highest eminence in that State, and for the defendant by a member of the Virginia bar, then being the Attorney General of the United States. And the final decision of the court was pronounced by Chief Justice Marshall, who was himself a citizen of Virginia. The boundary now contended for, as I have already said, would, if maintainable, have rendered the plaintiff's recovery in that case certain and irresistible. This could not have escaped the court or bar, especially a court and bar so composed, yet no such claim as a boundary at the top of the bank or at high water mark was set up or even alluded to by the court or counsel. Is not the inference irresistible, that it was regarded by all as too absurd to be seriously advanced? On the trial of that case in the Circuit Court, it was insisted by the plaintiff's counsel that the medium stage of the river, between high and low water on the upper side of the Ohio, was the boundary, and the court was called upon so to instruct the jury. The court refused to give it, and, instead thereof, instructed them that the low water line, on that side of the river, was the boundary between Kentucky and Indiana. This charge was excepted to by the plaintiff's counsel, and it came under the direct revision of the Supreme Court of the United States on writ of error. The instruction given to the jury was affirmed by that court, in all its points. Now this high and direct authority must be broken down before a decision can be rendered in this case against these defendants. This is admitted by the learned counsel, and hence his effort to overthrow it. I admit that this decision, how high so ever the respect to which it is entitled, is not legally and strictly binding and conclusive upon the States on either side of the Ohio. They were not parties to it, and had no opportunity afforded them to exhibit their titles, and maintain their rights and claims before the court. And this is more emphatically true of the States on the northwest side of the river, which had no part or lot in the management or prep-

aration of the case. The rights of the States came under the examination of the court incidentally in a controversy between others, and cannot, therefore, be conclusive in a direct issue made up between them, if they shall hereafter see fit to settle their boundaries by an appeal to the Supreme Court of the United States, in the mode prescribed by the Constitution. And I shall hereafter show that certain facts were assumed as true, without any apparent investigation, both by the court and bar, upon which the court predicated the opinion that the low water mark on the upper side of the river, is the boundary; whereas, if the title to the country beyond the Ohio, and its true history, had been put into the record in that case, so as to bring it within the reach of the court, and call for a decision upon it, the judgment of the court must have been that the middle of the channel is the boundary. All the parties to that case, both the court and bar, assumed, without any historical investigation in the court below, that Virginia was *the original proprietor of the country beyond the Ohio River*; and that the question of boundary was to be decided by *laws of Virginia*, and by *her deed of cession* to the United States. This case came up to the Supreme Court of the United States made up on this hypothesis, and in that court its decision was predicated upon the record as it was presented to it. Proceeding on this assumption, it was a powerful analysis of those laws and of the deed of cession, for which Chief Justice Marshall was so eminently distinguished, that he came to the conclusion that the low water line of the river was the boundary. In this way the case was presented in the best possible aspect for a decision the most favorable to the claims of Virginia. The erroneous assumption on which the precise decision turned, therefore, by no means weakens, but in fact strengthens the weight of the authority of that case as against the States of Virginia and Kentucky. Having assumed that Virginia had the original title to the country beyond the Ohio prior to the deed of cession, the learned judge proceeds to lay down the foundation principle on which the decision rested, in the following words, viz: "When a great river is the boundary between two nations or States, if the original property is in neither, and there be no convention respecting it, *each holds*

to the middle of the stream. But when, as in this case, one State is the original proprietor, and grants the territory on one side only, it retains the river within its own domain, and the newly created State extends to the river only. The river, however, is the boundary." (5 Wheat., 379.)

The principle here stated shows clearly that the decision rested wholly on the assumption that Virginia was the original proprietor of the ceded country, and that if it was erroneous, as I shall endeavor to prove it was, then the middle of the river is the boundary. The learned counsel for Virginia maintains *that the bank* of the river as contradistinguished from the *water edge* at low water is the boundary. The distinction between the *bank* or *shore* and the *water* which composes the river at that stage, which the court denominates the "*permanent river*," did not escape the attention of the Supreme Court in the case on which I am now commenting. Judge Marshall bestowed especial care upon it. He begins by citing the language of the deed of cession. He says: "She (Virginia) conveys all her rights to the territory situate, lying, and being to the north-west of the river Ohio. And this territory, according to express stipulation, is to be laid off into independent States. These States then are to have *the river itself*, wherever that may be, for their boundary. This is a natural boundary, and in establishing it Virginia must have had in view the convenience of the future population of the country." (5 Wheaton, 379.) And further on, at page 380, he says: "Wherever the river is a boundary between States, it is the main, the permanent river, which constitutes that boundary; and the mind will find itself embarrassed with insurmountable difficulties in attempting to draw any other line than the low water mark." In the last sentence of the opinion, he makes a direct and express distinction between a *river* and its *shore*, and says the States beyond the Ohio were to own the shore of the river. He says: "the shores of a river border on the water's edge." (5 Wheat., 385.) In other words, the one is land and the other is water. If, therefore, you have a boundary by the *river*, it is a *water line* of division, if by the shore, it is a *land boundary* as contradistinguished from a water line, and in that case, the top of the bank would probably be the boundary line. In the

passages cited, and throughout the opinion of the court, the distinction is kept up between the river and its bank—between a water line of boundary and a line on dry land. It maintains that the deed of cession granted the country “to the north-west of the *River Ohio*; that is to say, to the north-west of the *permanent water* of the river, and not to the north-west of the river *bank*, as is now contended for. And as a deduction from this doctrine, he goes on to lay it down that this low water mark is a fixed line of boundary. He uses these words: “The same tract of land cannot be sometimes in Kentucky and sometimes in Indiana, according to the rise and fall of the river. It must be always in the one State or the other.” (5 Wheat., 382.)

But that eminent judge did not content himself with resting on the strict meaning and effect of the words of the deed. He goes further and places his interpretation of it on broad and enlightened views of public policy. He remarks that Virginia provided for the erection of independent States in the ceded territory, and that in fixing their boundary, she “must have had in view the convenience of the future population of the country.” And on this topic he also adds; “In great questions which concern the boundaries of States, where great natural boundaries are established in general terms, with a view to public convenience and the avoidance of controversy, we think the great object, where it can be distinctly perceived, ought not to be defeated by those technical perplexities which may sometimes influence contract between individuals.”

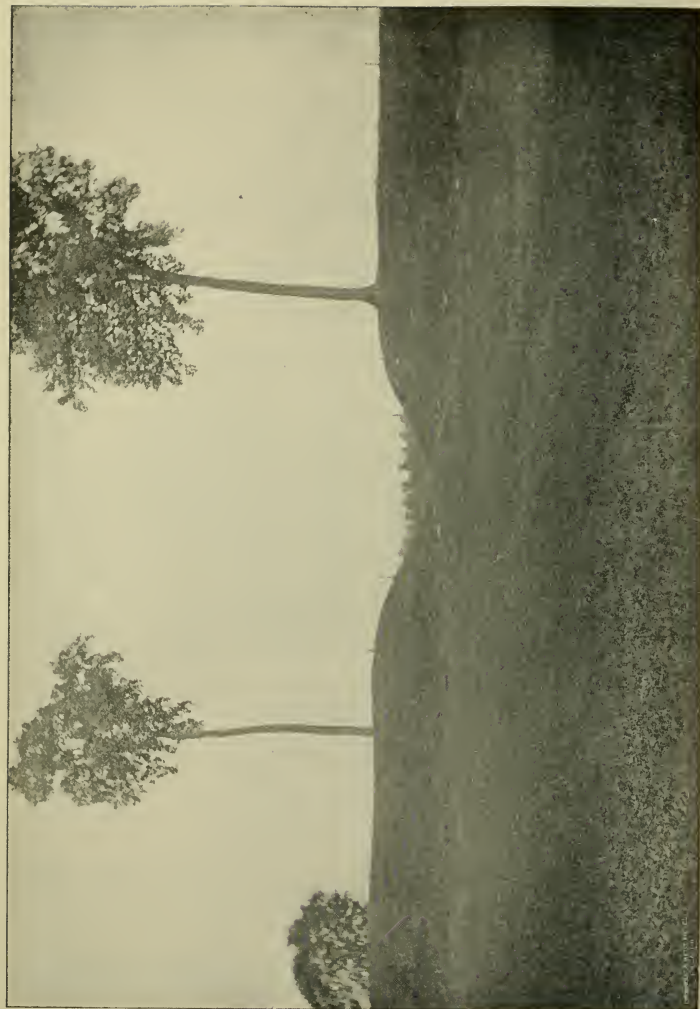
With the permission of your honors I will now make a practicable application of the liberal and enlightened views of the court. In the short interval of time that has elapsed since the date of the deed of cession, three great states have risen up on the north-western shore of the river, whose aggregate population even now exceeds that of the whole confederacy when the deed of cession was executed, and which eventually, in the fullness and maturity of their development, will contain a greater number of people than the whole Union at this day. Everything there is yet in its infancy. But already towns and cities have everywhere sprung up on the river shore, and on all the lines of interior communication with it. That river is already the channel

and thoroughfare of a surprisingly active internal commerce. On its shores, on the *identical ground* that is now in dispute, must be annually laid down the accumulated surplus product of the active industry of millions of people as the point from which to take its departure for the markets of the world. But this is not all; the great and important business of transshipment, with the ten thousand contracts incident to it, must forever be done on this very disputed shore. Upon it also must be landed, for distribution in the interior, all those return supplies of merchandise and commodities which minister to the wants and comforts of this great population. Look, for example, at the city of Cincinnati, and picture in the imagination what may be seen there any day in the year — her lovely port crowded with steamers, and almost innumerable other water crafts, with their rich and varied cargoes — her wharves, crowded with busy, bustling people, and with every variety of merchandise, where contracts are making, and property changing hands almost every minute of the day — *all on this disputed ground*; and is it not a matter of vital moment that it should be known with certainty by what law these people are to be governed, and their contracts regulated, while there in the transaction of their daily business? Can any one fail to perceive the absolute necessity of a strong and effective local police, and a code of police laws, to control and keep in subjection the loose and disorderly masses of men thus congregated together from the most distant parts of the country? Can it promote the convenience of the people of Ohio, or of those who come there to do business, that the wharves and shores of the river, and the water-craft lying there, shall be governed by such police laws as Kentucky might choose to make? That the contracts made at the Ohio shore, and on the boats attached to it, shall be governed by the laws of Kentucky or Virginia, and of which they know nothing, and were not even thought of when they entered into them? That the citizens of Ohio, while thus engaged, should be there arrested and carried into imprisonment by the officers of the opposite States, their contracts subjected to, and their persons punished by laws made by men in whose election they have had no voice, and over whom they can exercise no control or influence? Or

would not these things, in any community whatever, be justly regarded as an intolerable grievance? Go into the city of Cincinnati or into any town on the Ohio, and ask its business inhabitants what part of all their public streets, or places of resort, they could least afford to give up to the control of the State on the opposite bank, and they would tell, with one united voice, that the wharf on the river, and shore on the river, were the last that they could surrender. And of what use, let me inquire, would this power be to you, if you had it, but to keep up and nourish an everlasting enmity between you and us, and administer food to a never-dying feud? Does it comport with that regard for "the convenience of the future population," which the venerable Chief Justice says Virginia must have had in view in providing for the erection of new States on the Ohio? Is it consistent with this statesmanlike and benevolent intention of Virginia that if the people of the new States have occasion to erect a wharf at the water edge, to carry a railway to the river, to lay down a suction pump to draw up supplies of water for their steam machinery, or for the daily wants of the inhabitants of their towns—in a word, to approach the water and use it for a thousand new and nameless purposes, which the fast multiplying pursuits and wants of society, in the progress of that civilization they fondly hope to attain, will render indispensable to their comfort and prosperity, that you should have the power, at your will, to stop them all? Like all unfit and misplaced power, it would be a curse, both to you and to us, if you had it. It is true, that if you could make a final decision of this question in your favor, and should do it, you would for the moment quicken into life a wild spirit of speculation. For who can doubt but that so soon, and as fast as steam would carry them to its shores, multitudes of adventurers would rush there to lay down your land warrants upon the river shore between high and low water mark on the whole line of the border States! I solemnly declare, as a citizen of Ohio, that if you were to offer us this power over the Virginia shore, I would not take it as a gift. I would not accept power that would bring with it perpetual annoyance, collision, and never-ending controversies between those

who are neighbors, and whose interests it is, and ever must be, to be friends.

Before passing from this topic to the next head that I propose to discuss, permit me to inquire whether, in case you hold that Virginia has a right to make arrests on the Ohio shore, that her laws, both civil and criminal, extend there, you will not thereby involve your own people, on your own side of the river, in a like responsibility to the laws and jurisdiction of the State of Ohio? In a word, whether a regard to your own policy and convenience would not admonish you to abstain from such a decision? I shall endeavor to show that, place the actual boundary where you may—at the top of the bank, at the medium stage of the water, at low water mark, or in the middle of the channel—and Ohio has a right to do on the Virginia shore whatever Virginia has a right to do on the Ohio side. When Virginia passed her act of Assembly in December, 1789, to enable the people of Kentucky to form a constitution and become a State, she proposed to Kentucky certain conditions for her assent, which were to be binding on both parties. One of these conditions related to the Ohio River, and proposed that its use and navigation along its course in passing Virginia and Kentucky should be free and common to the citizens of the United States, and that the *respective jurisdictions* of those States should be *concurrent with the States possessing the opposite shores of the river*. This condition was assented to by the convention that formed the constitution of Kentucky, and the admission of Kentucky into the Union was an act of assent thereto by Congress. And thus validity and effect, according to the form prescribed by the Constitution of the United States, was given to this compact between the two States, and is binding and obligatory on both. That condition or compact is in these words, viz.: "The use and navigation of the River Ohio, so far as the territory of the proposed State (Kentucky), or the territory which shall remain within the limits of this Commonwealth (Virginia) lies thereon, shall be free and common to the citizens of the United States, and the *respective jurisdictions* of this Commonwealth and of the proposed State on the river as aforesaid, shall be *concurrent only with the States that may possess the opposite shores of the said*



SECTION OF EMBANKMENT DIVIDED BY GATEWAY, NEW FORT ANCIENT.

river." (See Henning's Virginia Statutes, 13 Vol., page 19, sec. 11.) By every known rule for the interpretation of statutes, the words "River Ohio" found in this compact mean the same identical river, neither more nor less than is meant by "Ohio River" in the act of cession passed by Virginia six years before. And here permit me to inquire, what is jurisdiction? It is the right of dominion—of sovereign command over any place—the right to make laws for it and carry them into execution; and all of these rights where there is no convention respecting them are exclusive of the rights of all others. (See Vattel, Book 2, chap. 7, secs. 83–84.)

The lexicographers define the word *concurrent* to mean "joint and equal, existing together, and operating on the same objects." It follows, then, as an irresistible conclusion from a grant of *concurrent jurisdiction*, that if the river, with the Virginia jurisdiction, extends on the Ohio side to the top of the bank, it extends with the Ohio jurisdiction to the corresponding place on the Virginia shore; that if Virginia can make laws for the river beach on the Ohio side between high and low water mark, can serve process there, can seize persons standing there, and try them in her courts for acts done there, so can Ohio do the same things on the Virginia shore. Need I ask whether the citizens of the city of Wheeling, of the town of Parkersburg, or the people of Virginia who dwell upon the banks of that river, would be satisfied, or ought to be, with a construction of this compact between Virginia and Kentucky that will bring the laws of Ohio to operate on their persons, conduct, and contracts, while engaged at their daily and ordinary business at their steam-boats, wharf-boats, and other craft lying at their shore; and not only that, but when they are on dry land between high and low water mark on their own side of the river? Nor need I say that it could not have been understood by those who made this compact that the limits of the river were as broad as is now contended, or that compact would never have been proposed, without qualification or restriction upon the jurisdiction of the opposite States.

It has not been claimed in the argument for Virginia, nor can it be successfully, that Virginia, by virtue of this grant of

concurrent jurisdiction, acquired any rights beyond her territorial boundary, wherever that may be. It must be remembered that Virginia and Kentucky were the grantors of this jurisdiction; the States on the opposite side are the grantees; the latter have granted nothing. They must themselves become grantors before Virginia and Kentucky can come over the line of their boundary, wherever that may be, which was created by the deed of cession. And thus we are brought back again to the question already discussed, and already settled in the case of *Handley's lessee vs. Anthony*, viz.: Where is the boundary by virtue of that cession?

I have closed the discussion of that question, and shall now proceed to a second and much broader inquiry. That Virginia, during the war of the revolution, set up a claim to the country beyond the Ohio River is unquestionable; but I shall insist, and endeavor to prove, that she never had a valid title to it; that her title not only to it, but to both sides of the Ohio, was disputed by the confederacy, and by other States; that they claimed all that she asserted a right to; that, in the end, she adjusted her claim by compromise, as other sovereignties are in the habit of settling their disputes; that it was thus settled, and she relinquished her claim beyond the Ohio, with the express understanding that the acceptance of her act of cession was not to be taken as an admission by the confederacy (who was the grantee) that Virginia had a title to the country ceded by her; that the separate and acknowledged right of Virginia to the country on the lower, and of the confederacy to that on the upper bank of the Ohio, begun with this compromise, and, consequently, that the rights of the States on the opposite shores are co-eval with each other, and that this compromise controls and determines the extent and legal effect of the deed of cession by Virginia.

If I can succeed in establishing these facts, which, in a great measure, depend upon history, then I shall have shown that, in the case of *Handley's lessee vs. Anthony*, the court and the parties fell into an error of fact in assuming that Virginia had the original title to the country beyond the Ohio, and shall have brought this case plainly within the principle of the law of nations, already adverted to, and recognized by the court in that case, viz.: that

"when a great river is the boundary between two nations or States, if the *original property* is in neither, and there be no convention, respecting it, each holds to the middle of the stream." (5 Wheat., 379; Vattel's Law of Nations, book 1, chap. 22, sec. 226; Wheaton's Law of Nations, 1 vol., 219-220.)

I have already shown that upon the facts assumed, the case of Handley's lessee vs. Anthony was decided right. I shall show, in the course of my historical examination, that if the true facts in respect to *the original title* to the country beyond the Ohio had been before the court, and made a part of the record in that case, the decision, then, must, and would have been, that the middle of the Ohio is the boundary. The Supreme Court of the State of Ohio has, two or three times, acknowledged the authority of that case, and held, in conformity to it, that the low water mark on the Ohio side is the boundary. (See 2 Ohio Rep., 310; 11 Ohio Rep., 142; November number, 1843, of *Western Law Journal*, page 54.)

But that court must be presumed not to have known that Handley's lessee vs. Anthony was decided upon an erroneous assumption of facts. I shall now endeavor to establish the position that the middle of the stream is, in fact, the true legal boundary between Ohio and Virginia. I may as well remark here that where a river or an arm of the sea divides two coterminous countries, the law of nations does not favor the exclusive claims of either (such as is set up here by Virginia) to the whole rivers.

Mr. Wheaton, in his Treatise on the Law of Nations (1 vol., 219-220), lays down the rule that where a navigable river forms the boundary of two States, the middle of the channel is generally taken as the line of separation between them; that a claim of exclusive property over rivers or portions of the sea, contiguous to a country is not to be viewed with much indulgence; that the general presumption that each owns to the middle bears strongly against such exclusive rights; that they are to be strictly construed, and clearly made out. From this doctrine, it would follow that if I even prove it to be doubtful whether Virginia had, in fact, a title to the country beyond the Ohio, then the middle of the channel is the boundary. The learned counsel for

Virginia founds the title of that State to the territory beyond the Ohio upon the charter of King James I, in the year A. D. 1609, now commonly called "the Virginia charter." This is the same title upon which she vested her claim to it at the period of the American revolution, and when she compromised her dispute with the confederacy. This appears from her act of cession of October 20, 1783, passed to authorize her delegates in Congress to convey the country to the United States, and in the deed of cession, made in conformity to the act on March 1, 1784—the language of the act of assembly and of the deed of cession being that they "convey, transfer, assign, and make over to the United States, in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which the said commonwealth hath to the territory *within the limits of the Virginia charter* situate, lying, and being to the northwest of the River Ohio." (1 vol., L. U. S., 474.)

I shall now proceed to inquire whether the Virginia charter did, in fact, furnish a foundation upon which that State could sustain a title to the country beyond the Ohio, or to any portion of the territory west of the Allegheny Mountains. To obtain a right understanding of the legal effect of this charter it is necessary to know what it, in fact, was—to whom, and under what circumstances, it was granted. This Virginia charter was not, as the name now given to it and that by which it is called in the act of cession would seem to imply, a charter to Virginia, or to the colony of Virginia, or to the people of Virginia, but it was a charter by James, in 1609, to a company of gentlemen residing principally in and about the city of London, and who, by that charter, were organized into a corporation under the name and style of "The Treasurer and Company of Adventurers and Planters of the City of London for the First Colony of Virginia." By this charter, the King, in the first place, authorized this company, which was anciently called "The London Company," with his license to purchase and hold "any manner of lands, tenements, and hereditaments, goods, and chattels within our realm of England, and dominion of Wales." He, in the next place, grants to the corporation, their successors, and assigns, "all those lands, countries and territories situate, lying, and being in that part of

America called Virginia, from the point of land called Cape or Point Comfort all along the sea coast to the northward two hundred miles, and from the said point of Cape Comfort all along the sea coast to the southward two hundred miles, and all that space and circuit of land lying from the sea coast of the precinct aforesaid up into the land throughout, from sea to sea, *west* and *north-west*; and, also, all the islands lying within one hundred miles along the coast of both seas of the precinct aforesaid"—to hold the same in free and common socage. (See Henning's Virginia Stat., 1 vol., 88-89; 1 vol. Hazard's Coll., 64-65.)

The first thing that strikes us in reference to the question we are now making is that, that the *fee* to the country is vested in the corporation, their successors, and assigns, and not in the colony or people of Virginia. By the words "from sea to sea," the Atlantic and Pacific are supposed to be meant. The grant begins by drawing a base line of four hundred miles in length along the Atlantic coast, of which Point Comfort is the center, the northern extreme of which would be at or near Cape May, in New Jersey, and the southern termination at or near Cape Fear, in North Carolina. From one of these terminations a line was to be drawn west, and from the other northwest, back into the land "from sea to sea;" but from which extremity the *west*, and from which the *northwest* line is to be run, the grant does not specify. If the west line be drawn from the northern termination of the coast line, and the northwest from its southern termination at Cape Fear, it would leave the State of Ohio west of, and beyond, the grant; but as these two lines would come together before reaching *the sea*, the Virginia construction, and for that reason, I suppose, the correct one, always has been that the west line must be drawn from the southern termination on the coast, and the northwest line from the other extremity of the coast line. If the lines be drawn in this way, the west line would strike the Pacific in the Gulf of California some eight degrees of latitude south of the present boundary line between the United States and Mexico. The other, or northwest line, would cross into Canada somewhere between Lakes Erie and Ontario, and strike the Pacific in the Arctic Circle, somewhere north of Behring's Straits, embracing a portion of the continent that would make

not less than forty-five or fifty States of equal extent of territory with the present State of Virginia.

The very magnitude of the grant is calculated to astound us. That a territory of such immense extent should have been given away by the crown to a company of adventurers who proposed to plant a small colony there, seems to be all but incredible, and irresistibly leads the mind to suspect that the grantor labored under some great misapprehension or mistake. To determine what effect the law of nations would give to this grant, it will be necessary, in the first place, to turn our attention back to the state of things that then existed. And, here, I may as well remark what I intended to have said before, that I fully agree with the learned counsel for Virginia, that, in searching for the interpretation and legal effect of this charter, of the deed of cession by Virginia to the United States, of the arrangement or compact between Virginia and Kentucky granting concurrent jurisdiction on the Ohio to the opposite States, we are to look wholly to the law of nations, whose principles are broader and larger than those of the common law, or any other mere municipal code. At that time the north-west coast of America was wholly unknown, the interior of the continent had never been penetrated from either ocean, and, except the line of coast along its Atlantic border, the vast region of country embraced within the limits of this grant was a sealed book to the world, of whose contents all civilized men were profoundly ignorant. At that day, the idea of finding a passage between the Atlantic and Pacific, through or around the northern part of the American continent, agitated the minds of men, and deeply engaged the attention of kings. Enough had been discovered by navigators to excite their hopes, and greatly to deceive them as to the real extent and character of this part of the continent. Sir Francis Drake, not long before, from the top of a mountain in the Isthmus of Darien, had seen both oceans. This naturally led to the inference that the continent was a long and narrow strip of country. Some two or three years before the date of this charter, a small English colony had settled down near Point Comfort, under the auspices of this London company, who, in 1606, had obtained a charter for a narrow strip of country on the coast, which, on account of that

settlement, was made the center of the new, and second, charter in 1609. Smith, in his history of Virginia, relates a fact which shows that, at that time, it was the belief in England that the South Sea, as the Pacific was then called, was but a short distance from the Atlantic. He states that, in the year 1608, the year before the date of the charter, "they fitted up, in England, a barge for Captain Newton, who was afterward a deputy Governor of Virginia, under the charter, which, for convenience of carriage, might be taken into five pieces, and with which he and his company were instructed to go up James River as far as the falls thereof (where the city of Richmond now is), to discover the country of the Monakins; and from thence they were to proceed, *carrying their barge beyond the falls, to convey them to the South Sea*, being ordered not to return, without a lump of gold or a certainty of the said sea"—the discovery of gold and of a passage into the Pacific being the two great ideas of that age in respect to America.

Smith, also, gives an account of a voyage of discovery which he made that same year (1608) from Jamestown up the Chesapeake Bay, and says "that the tidings which were brought, on their return, gratified the expectations of every one that, according to the relations of the Indians, *the bay stretched into the South Sea*." The charter was granted the next year. Considering the state of the knowledge of the geography of the country, there can be no doubt King James imagined he, in granting the territory from sea to sea, was disposing of a country of no great extent inland, and fully accounts for what would, otherwise, be incredible. Prior to this time, however, the English navigators had explored the coast of Virginia, and discovered its rivers, which, as already stated, had been followed up by a settlement near Point Comfort. This, by the acknowledged law of nations, gave title on that coast to the King of England; and, if the distance between the oceans had, in fact, been as small as was then believed, with a practicable water communication between them, he would, as that law was then claimed and is now admitted to be, have been proprietor of the whole country embraced within the terms of his grant. But if the King of England had any just conception of the country, then he could not have granted

away, or, rather, attempted to grant away all this territory, without, as I shall hereafter show, a direct violation of the foundation principle on which he could alone support a claim to any part of the continent of America. It is, therefore, quite apparent that, in making this grant, King James did not intend to overstep the law of nations by disposing of what did not belong to him. And, now, I am prepared to put the inquiry: What did the charter, in fact, grant to this company? I answer: *Just as much as the Crown of England had title to—just as much as belonged to it, and no more*—for, all beyond that, the grant was not worth the parchment on which it was written. It is plain kings cannot grant what does not belong to them, more than other men. The law of nations forbids it. If it were permitted, it would fill the world with contention, and unsettle all public rights. Nor can they grant that which belongs to nobody—that which has never been subjected to the actual possession, use, and dominion of man. (See Vattel, book I, chap. 18, secs. 203, 204, 205, 206, 207, and see note to sec. 207.) And this presents the question, How much of the granted country did the Crown of England own? To answer this inquiry satisfactorily, we must resort to those principles which have been settled by the law of nations. It is a rule of that law that the first finder, and actual permanent occupier of an unknown, uninhabited country acquires an exclusive property in, and dominion over, it, subject, however, to this qualification or exception, that the quantity of territory appropriated by him must be proportionate to his wants and his ability to use it. The general rule is that the first discoverer and occupier acquires title. Spain first discovered this continent, and made the first settlement on it. She, therefore, as the first finder and occupier, claimed the whole of it. This was a specious claim, but it was resisted by other nations, and England was one of them, who insisted on the qualification of the rule. To strengthen her claim, Spain applied to the Roman Pontiff, who was then in the zenith of his power. The Pope, as the Vicar of Christ on earth, granted the whole continent to Spain, and forbid all other sovereigns or people, under pains and penalties, from interfering with it. No nation in Europe, however, except Portugal, which had got a similar grant from the Pope of the

countries beyond the Cape of Good Hope, paid any attention to this grant. England was foremost in resisting it, in insisting on the qualification of the rule, and in sending out her navigators to explore the uninhabited portions of the continent, and in forming settlements on such parts of it as were vacant. This same King James was particularly active in his opposition to this pretension of Spain. He sent out navigators on voyages of discovery, granted charters, and planted colonies. When he made this grant, a little band of his subjects had planted themselves on the coast of Virginia, who, altogether, would make a small village, and could not possibly, for centuries to come, actually people the country embraced within what are now known to be its limits, which are almost as large as all of Europe. If, therefore, he knew what he was granting, as we know he did not, he was guilty of a gross violation of the principles of his own government, and of the law of nations. Both England and the United States are now engaged in a controversy about a large division of the territory embraced in this grant, and both found their claims, upon discovery and settlement, made near two hundred years afterward. Vattel, after laying down the rule that all mankind have an equal right to things that have not yet fallen into the possession of any one, and that they belong to him who first takes possession of them, says, "but it is questioned whether a nation can, by the bare act of taking possession, appropriate to itself countries which it does not really occupy, and thus engross a much greater extent of territory than it is able to people or cultivate. It is not difficult to determine that such a pretension would be an absolute infringement of the natural rights of men, and repugnant to the views of nature, which, having destined the whole earth to supply the wants of mankind in general, gives no nation a right to appropriate to itself a country, except for the purpose of making use of it, and not of hindering others from deriving advantage from it. *The law of nations, therefore, will not acknowledge the property and sovereignty of a nation over any uninhabited countries, except those of which it has really taken actual possession, in which it has formed settlements, or of which it makes actual use.*" (See Vattel, book 1, chap. 18, sec. 208.)

From a regard to the fitness of things to provide for the

future wants and business of men, and to give ample but reasonable scope for the expansion of newly-formed communities, a somewhat liberal application has been given to these principles. It has been and is a received doctrine that the nation which first discovers a river, and permanently settles on its waters, thereby acquires title to all the territory drained by it. And this is believed to be as far as these principles have been extended, or their extension acknowledged. On that ground, the United States now claim the whole country drained by the Columbia River. Great Britain does not deny the principle to this extent, but she disputes the fact of our prior discovery and settlement on the waters of that river. At the date of this charter, neither the Ohio River nor any of its waters, nor the countries beyond it, had been discovered, much less occupied; nor was it discovered or occupied for near or quite a century afterwards. To how much country, then, within the limits of that charter had the Crown of England a title, which the law of nations would recognize as valid? I answer: To so much as is divided by the rivers that flow into the Atlantic, and had been discovered by the English navigators, followed up by settlement, and no more. In other words, to the top of the Alleghenies, those highlands that divide the known from the then unknown rivers. Beyond that, the charter was clearly a nullity, on the same principle that the Pope's grant of the continent was repudiated by the law of nations. Both grants belong to the same class. It is plain Virginia must look to something else than to that charter for a title to the country beyond the mountains. And here permit me to advance one step further. For the sake of the argument, I will imagine that the charter did, in fact, vest in the corporation a valid title to all this boundless and unknown region. And now, let me inquire: Did it remain in force, and perpetuate and transmit an unextinguished right to the countries down to the date of the deed of cession, in 1784? This charter, among other things, provided for a council of thirteen persons, who were to hold their sittings in the city of London, in whom was vested the power to appoint to, and remove from office the Governor and all other officers of the colony, "and, also, to make, ordain, and establish all manner of orders, laws, directions, in-

structions, forms, and ceremonies of government and magistracy, fit and necessary for, and concerning the government of said colony and plantation." (Hazard's Coll., 1 vol., 67.) The charter deprived the colonists of all power or voice in their own affairs, and, what made it all the worse, they were to be governed by this council three thousand miles off, composed of men who had no opportunity to see with their own eyes the bad effects of their follies, mistakes, or acts of oppression. As might have been expected, matters went on badly with the colony. Complaints of abuses of the home council, of the colonial governors, and of the official oppressions on the colonists were perpetual. This state of things continued for fourteen years, when the king caused a writ of *quo warranto* to be used against the corporation for abuse of power. At the trinity term of the Court of King's Bench, in 1624, judgment was rendered against the corporation, canceling the patent, and ordering the franchises of the charter to be resumed by the crown. (See Chalmer's Annals, 62.)

Thus ended the charter, and the crown, by the judgment of the court, became re-invested with the fee of the land granted to the corporation. In August of the same year, the king issued a commission, appointing a governor and eleven councillors to reside in the colony, to whom the government of its affairs was committed. (1 Haz. Coll., 189.) This commissioner gives a history of the proceedings in the *quo warranto*, the judgment, and the causes for which it was rendered. Thus, Virginia became what is commonly called a crown colony, and so remained down to the date of the American revolution. The king, in this matter, appears to have acted with fairness, and with a view to the welfare of the people of the colony. He confirmed to them all their property, and all rights to lands which they had purchased of the corporation. It cannot be denied that the King's Bench had full power to render this judgment, nor was the regularity of the proceedings ever called in question, so far as I can find. By this judgment, the people of the colony were placed on the footing of other subjects of the crown, and their connection with the corporation dissolved. The crown now, again, held the territory as it held it before the charter, and,

thenceforth, sold out, or granted away, the vacant lands at its pleasure. If it be urged that the vacation of the charter was a high-handed measure—an unjust attack on the rights of the colony and its people, and, therefore, the judgment of the court ought to be disregarded and treated as a nullity, and the charter held to be in full force, the judgment to the contrary notwithstanding—the answer is, that the legislative and public proceedings of Virginia prove the very reverse of this. It was natural that the corporators, the men who had thus been deprived of their property, should endeavor to get it back, and to obtain a renewal of their charter, on which they had expended much money. They, as it appears, made the attempt; but it was strenuously and successfully resisted by the people of the colony. About fifteen or sixteen years after the dissolution of the corporation, the governor and council of Virginia sent an inhabitant of the colony to England, of the name of Landis, on some public business. Instead of attending to the mission on which they sent him, he exhibited a petition in the House of Commons, praying for a restoration of the letters patent of incorporation to the late London company. He was probably invited to do this by the old members of the corporation who lived in London. When news of this proceeding came to Virginia, the Grand Assembly, as their General Assembly was then called, took the matter in hand. According to their statement, they had a great and solemn debate on this subject, which resulted in passing an act, prefaced by a preamble, or declaration (as they call it), setting forth their reasons for passing it. They commence by averring that Landis had mistook the business on which they sent him—that he had no authority from them to present the petition. They proceed to expatiate in strong and eloquent language on the intolerable abuses of the old corporation, and on their comparative happiness and prosperity under their new government. They deny that they or the people of the colony ever desired or sought after a restoration of the corporation, and they say that “the old corporation cannot, by any possibility, be again introduced without absolute ruin and the dissolution of the colony.” And, finally, to sum up the whole, they “declare and testify to all the world that they will never

admit the restoring of said company," saving, however, to themselves, "a most faithful and loyal obedience to his sacred majesty, their dread sovereign."

All this is followed by an act declaring that any person who shall endeavor to restore or reduce the colony to a corporation or company, shall forfeit all his estate within the limits of the colony, one-half to the informer and the other half to public uses. This act was passed April 1, 1641. (See 1 Vol. Hen. Stat. 230.)

The history of Virginia shows that these colonists had good reason to resist the restoration of the corporation. The charter government from the time of the first charter in 1606, had existed about eighteen years before its vacation. During that time more than nine thousand emigrants had been sent to Virginia, and yet at the dissolution of the corporation the colony was reduced to about eighteen hundred. When this attempt was made to restore the charter the new government had been in operation about the same length of time, and the population of the colony had risen up to about twenty thousand. (1 Vol. Marshall's Life of Wash. 68.)

About thirty years still later, the General Assembly sent certain agents to England to endeavor to procure a modification of the colony government. In their correspondence with the officers of the crown the old charter is mentioned by them, in which they say the old charter was called in at the *instance and for the sake of the planters*. (2 Vol. Henning's Stat. 526.) It would seem to be quite too late now to set up or insist on the validity of a charter which was vacated at the instance and for the sake of the early colonists, that relieved them from oppression, advanced their happiness and prosperity, the renewal of which they never sought or desired, and firmly resisted.

I have now done with all I propose to say on the subject of the charter, and will next direct my attention to the new government established in its place.

Virginia now became and, as I have already said, ever after remained, till her separation from the mother country, a crown or royal colony. And here permit me to advert to one important distinction between a charter and a royal government. Whatever

rights are secured by the charter cannot be infringed or altered by the crown without the consent of the corporation, nor abrogated unless by judgment of law founded on proof of some act of omission or commission, which works a forfeiture or dissolution of the corporation. But where the government is founded on royal commission, as that of Virginia was on the dissolution of the charter, it is a mere creature of the royal will—its boundaries, its powers, all its machinery of government, may be modified, altered, or annulled at his pleasure and discretion. That the extent of the royal provinces depended upon the pleasure of the crown, who might alter their boundaries or dismember them at will, see the case of *Johnson vs. McIntosh*, 8 Wheat. 543; 1 Story's Com. 143.

Numerous instances might be adduced where ancient boundaries were restricted or enlarged, where established colonies were divided, and where two were united into one by order of the king. There was scarcely a province in America at the commencement of the revolution, in regard to which this power had not been exercised, and in respect to some of them in repeated instances. The authority of the crown to make these changes seems never to have been questioned.

From this distinction between a charter and a crown colony it results that the former has a vested right to its boundaries, which cannot be changed or abrogated except in one of the modes already stated; while a royal province has no such right. It therefore becomes all-important to look into the colonial history of Virginia, and see what the crown in fact did in respect to the boundary and limits of the province while it remained a crown colony. The royal government was established on the dissolution of the corporation, without specifying any boundaries, the king's commission merely declaring that the persons to whom it was addressed were appointed the governor and council of "the colony and plantation in Virginia." (See Haz. Coll. 189.)

It is a specious argument on the side of Virginia to say that if no change was made in this respect it is to be presumed the new government was co-extensive with the limits of the old charter. And I admit, if the crown of England had owned all the country embraced within it, the argument would be sound.

But here again the principle of the law of nations returns in all its force, that the limits of the new government must, of necessity, be restricted to the territorial rights of the crown. The king could no more set up a government over a country not his own, and where he had no subjects, than he could grant it away by charter. The arguments against both are the same. This rule of the law of nations is founded on the plainest principles of common sense and of public policy. It results from the authority already cited to show how a nation may acquire vacant territory and establish government in it. It results from the law of the national or high domain, as it is sometimes called, which is held to be inseparable from the sovereignty. (See Vattel, Book 2, Chap 7, Sections 79 to 84, inclusive.) It follows also from the equality of nations, in respect to which the law is, that "what is permitted to one nation is permitted to all, and what is not permitted to one is not permitted to any." When the new government was established in 1624, the same benighted ignorance of the interior of the country still prevailed that existed when the charter was granted, sixteen years before. Neither the River Ohio or any of its waters were known. Consequently the rightful limits of the territory of the crown were still confined to the sources of the rivers that flow into the Atlantic. There was still only a feeble settlement, few in numbers—not exceeding eighteen hundred—confined to tide water, and on the decline. It is therefore impossible to imagine that the king, in granting his commission for the government of this little handful of people, intended, under the name of "the colony and plantation in Virginia," to extend a government over the vast region between the Atlantic and Pacific embraced within the terms of the old charter. If he intended to confine the government to such territory as in fact belonged to the crown, whatever that might be, it was all right, but if he intended to embrace more he acted in violation of the law of nations, which is as obligatory on sovereigns as on private persons. (See Vattel's preliminary Chap. SEC. 7). In the absence of proof to the contrary, it is not to be presumed that he intended to offend against the law of nations by attempting to set up a government over what did not belong to him, and where he had no subjects to be governed. If he was ignorant of

the extent of country between the two seas, and of the actual extent of his territory, as we know he was, the law of nations will restrict the operation of his act to what was lawful. This is my answer to the argument that the new government must be presumed to have been co-extensive with the limits of the old charter. In 1632, only eight years after Virginia became a royal colony, Charles I granted Maryland to Lord Baltimore. In 1662 Charles II granted Carolina to Clarendon, Carteret and others, and in 1680 he granted Pennsylvania to Wm. Penn. All of these were within the limits of the old charter. I will now direct your Honor's attention to an item of history to show how this matter of the extent of the province was understood here in Virginia in those times.

In the year 1670, the Lords Commissioners of Foreign Plantations sent out from England a series of inquiries respecting Virginia, addressed to Sir William Berkeley, who was the governor of the colony, and had been for thirty years, except a short interval in Cromwell's time, and who, consequently, must have known better than any other man what were the limits and extent of the government over which he had so long presided.

Judge Marshall, in his history, says of Sir William Berkeley that "he was highly respectable for his rank and abilities. He was still more distinguished by his integrity, by the mildness of his temper, and the gentleness of his manners." They were answered by him the next year. These inquiries, with their answers, will be found in the 2 Vol. of Henning's Virginia Statutes, page 511 to 517. Mr. Henning prefaces them with the remark that "a more correct statistical account of Virginia at that period cannot, perhaps, any where be found. The answers appear to have been given with great candor, and were from a man well versed in every thing relating to the country, having been for many years governor."

To the question, "What are the boundaries and contents of the land within your government?" he answers: "As for the boundaries of our land, it was once great, ten degrees in latitude; but now it has pleased his Majesty to confine us to half a degree. Knowingly, I speak this; pray God it may be for his Majesty's service, but I much fear the contrary."

Mr. Henning, in a note to this answer, says that the half degree of latitude must refer to the eastern boundary on the sea shore. In this he is doubtless correct, as before that time (1671) the Carolinas had been granted on the south and Maryland on the north, both taken out of the old charter limits.

Question. "What rivers, harbors, or roads are there in or about your government, and of what depth and soundings are they?"

Answer. "Rivers we have four, all able safely and severally to bear and harbor a thousand ships of the greatest burthen."

And for the names of these four rivers he refers to his answer to a preceding question, which was, "What castles and ports are within your government, and how situated?"

Answer. "There are five ports in the country, two in James River and one in the three other rivers of York, Rappahannock, and Potomac."

Put these several answers together, and they amount to this: that Virginia, for her eastern boundary along the sea shore, had half a degree of latitude; that in the interior she embraced the country drained by the James, York, Rappahannock, and Potomac Rivers. It is a perfectly plain and well-defined general description of that part of the present State of Virginia which is situated to the east of the Allegheny Mountains. This was the Virginia of that day, as appears by the answer of the man who for near thirty years had been its governor—a man of ability and integrity—an answer not casually, carelessly, or incidentally given, but *officially* and *directly*, with care and deliberation, for the information of that department of the home government which had charge over the colonies. Its correctness, therefore, cannot be doubted. When inquired of "what rivers there are in and about his government?" does he name the Ohio as one of them, or any of its great tributaries flowing into it from the east, such as the Monongahela, Kanawha, Kentucky, or Tennessee? He knew nothing about them, and if he did, then it is plain he did not regard them as being within his government. There is another omission in these answers, that shows that it was not then understood, as is now contended, that the new government embraced all the

country within the limits of the Virginia Charter. Pennsylvania was already within its limits. These answers were given nine years before the grant to William Penn. The fact that he does not name the Delaware or Susquehanna among the rivers in his government proves very clearly that he did not regard that country as part of the then Virginia. Those rivers and their location were well known in 1671. And if the new government was understood to embrace all the old charter limits, would he not have regarded all of the territory as within his government, and as still being a part of Virginia which had not been granted away to Lord Baltimore in that quarter? And if so, would he have forgotten to name the rivers in Pennsylvania in his answer? Judge Marshall states that in 1622, two years before the colony of Virginia was put into royal commission, the settlements had extended along the banks of the James, York, Rappahannock, and even as far as the Potomac. It is very plain that Governor Berkeley regarded the Virginia settlements on the coast, and the country drained by the rivers flowing through the settlements, as embracing his government and the whole of it. This gives to the royal commission under which he was acting a reasonable interpretation; while that now contended for by Virginia, which would extend his government to the Pacific, is most unreasonable and extravagant, as well as repugnant to the law of nations, as has been already shown. But a new state of things was now shortly to arise—the curtain which had so long hid in darkness the magnificent valley of the Mississippi and its tributaries was soon to be drawn aside, and lay it open to the view of the world. Discoveries were now about to be made which formed the basis of one of the grandest political conceptions of that century, and gave rise to some of the greatest events of the next. Two years after Governor Berkely had given this information to the home government, the French, whose settlement at Quebec was coeval with that of the English at Jamestown, penetrated through the great lakes, and passing over the country from Lake Michigan, through the Fox and Wisconsin Rivers, entered the Mississippi, descended it a thousand miles, and returned again into the lakes through the Illinois River. The report of Joliet, a missionary, who with a party of men had performed this expedition, excited

the enterprise of La Salle, a French officer, who explored the valley of the Mississippi, and in 1683 founded Cahokia, Kaskaskia, and some other villages, and returning to France laid before the French Cabinet a scheme of forming an establishment at the mouth of the Mississippi, and by a connected chain of settlements and military posts to draw a cordon around the English colonies, which had nowhere penetrated beyond the Allegheny Mountains. The King of France entered into the views of La Salle, and took immediate measures to carry them into execution. This project was viewed for a long time by the English with little concern, and as little more than a wild chimera; but the French steadily pursued it for half a century or more, till they had possessed themselves of all the commanding points on the waters of the Mississippi and St. Lawrence, with a connected chain of settlements from the Gulf of the St. Lawrence to the Gulf of Mexico. It was then that the English awoke to a conviction of the reality that their neighbors had laid the foundation of one of the most magnificent empires the world had ever seen, and which, in time, would overshadow, if it did not destroy, the power of Britain on this continent. But at that period the English had vastly the advantage of the French in the number of their colonial population. No sooner were the English sensible of their danger than disputes began to arise between them and the French about their boundaries, and especially about their respective rights to the great valley beyond the Allegheny Mountains.

The French claimed the country beyond the mountains as the first explorers and first permanent occupiers of it. The British rested their claim on the ground that they were the first explorers and first permanent occupiers of *the Atlantic coast*, and that all the interior from sea to sea, was but *an appendage* to that coast. Judge Marshall, in his history, has stated the claims of the two parties in these words: "While Great Britain claimed an indefinite extent to the West in consequence of her possession of the sea coast, and as appurtenant thereto, France insisted on confining her to the eastern side of the Apalachian or Allegheny Mountains, and claimed the whole countries whose waters run into the Mississippi, in virtue of her right as the first discoverer

of that river. The delightful region between the summit of those mountains and the Mississippi was the object for which these two powerful nations contended; and it soon became apparent that the sword alone could decide the contest." (1 vol., Marsh., 352.) It was so decided. The capture of Quebec—the destruction thereby of the seat of the French power—the cession by France to England of Canada, and of the whole eastern valley of the Mississippi, with a small reservation near its mouth, are great events with which all are familiar. Thus Great Britain, in 1763, acquired title to the country beyond the mountains by treaty of cession. I hold that that *cession* was the beginning and foundation of her title; for the chapter of the law of nations to which I have already called the attention of the court, pointing out and prescribing the mode in which nations may acquire title to vacant and unoccupied territory, shows that the French had complied with all the conditions that law imposes; while England had complied with none of them. She had neither discovered nor occupied the country in dispute, or any part of it. That law also shows that the claim of England, that her possession of the *Atlantic coast* in this part of America carried with it, as *appurtenant to it*, the whole interior of the continent, or any part of it, beyond the sources of the rivers which discharge themselves into the sea on that coast, was not even a *respectable pretence* to title. The title of France was the same with that by which the United States now claim the valley of the Columbia River, with this difference in favor of France, that from the time when she first planted a colony on the waters of the Mississippi she maintained uninterrupted possession of the country for near three-quarters of a century. Ohio holds, what in respect to Oregon is now the American side of the question. Stoddard, in his history of Louisiana, says that prior to the time of the cession to England, the whole territory on both sides of the Mississippi situated between the lakes and the Gulf of Mexico, and between the Mexican and Allegheny Mountains, were under the general name of Louisiana—that part of it ceded to the English lost the name. (Page 71.) Assuming, then, that England by that cession for the first time acquired a valid title to the valley of the Ohio, the question presents itself, Did the crown attach it to Virginia? This it had

an undoubted right to do or not, at its pleasure. For it is idle to say that the colony had any power or control over the king in this matter. From the time Sir William Berkeley, in 1671, gave the answers already spoken of, down to the treaty of cession by France in 1763, no alteration that I can find was made by the crown, or by its authority in the limits of Virginia, unless the grant of Pennsylvania to William Penn in 1680 be regarded as such. This brings us down to within thirteen years of the Declaration of the American Independence. Let us now see what was done with the ceded territory by the crown during that interval. The treaty of cession by France bears date of February 10, 1763. On October 10 of that year, the King of England issued a royal proclamation, which has a most material bearing on this question. It commences by reciting that by the late treaty with France, the crown had secured valuable and extensive acquisitions of territory in America; and proceeds to make known that letters patent had been issued for the establishment within the countries ceded to the crown of "four distinct and separate governments styled and called by the names of Quebec, East Florida, West Florida, and Grenada." It then marks out the boundaries of these governments, after which it goes on to annex certain new districts of country to the provinces of Newfoundland, Nova Scotia, and Georgia; but the country between the Alleghenies and the Mississippi is not included in any of these. Having thus disposed of his newly acquired dominions, except the country beyond the mountains, he proceeds to make a disposition of that. He says that it is just and reasonable, and essential to his own interest, that the tribes of Indians with whom he was connected, and who live under his protection, should not be molested or disturbed in the possession of such parts of his dominions and territories as had been reserved to them for their hunting grounds; wherefore, he forbids all governors of any of his colonies to make grants for any lands "*beyond the heads or sources of any of the rivers which fall into the Atlantic from the West or Northwest.*" And having thus prohibited all grants of lands beyond the heads of the Atlantic rivers, he proceeds further in these words, "And we do further declare it to be our royal will and pleasure, for the present,

as aforesaid, *to reserve under our sovereignty, protection, and dominion, for the use of said Indians, all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the West and Northwest, as aforesaid.* And we do strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and license for that purpose first obtained. And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently settled themselves upon any lands, which not having been ceded to, or purchased by us, are still reserved to the said Indians, as aforesaid, *forthwith to remove themselves from such settlements.*" (See 1 vol., L. U. S., 446.)

The government, at home, well knew, from the history of the past, that if the country beyond the mountains, which was then inhabited by powerful and warlike tribes, was included in any of the colonial governments, encroachments would be made upon them by the people, which would be the signal for new Indian wars. For the security, therefore, of his colonies, as well as because it was "*just and reasonable*" that they should have a country for their hunting grounds free from molestation, he thought proper not to make a province beyond the mountains, nor to attach it to any colony; but "*but to reserve it under his own sovereignty, protection, and dominion, for the use of the Indians.*" And to carry his intentions more effectually into execution, and to mark more emphatically his determination that this country so reserved and set apart should not form a part of, or be under any colonial government, he orders all settlers beyond the mountains forthwith to retire from the reserved territory. It is not possible for language to be stronger, or the intention of the crown to be more distinctly stated. If, in fact, the country beyond the mountains was included in the colony of Virginia by the royal commission of 1624, as is now contended, or if it had been included in it at any subsequent time, it can not be doubted it was now severed from the province by this proclamation, and the province itself confined to the sources of its Atlantic rivers, that is to say, to the Allegheny Mountains. The right

of the crown to do this, as has been already shown, was unquestionable. This proclamation, then, fixes the limits of the colony of Virginia precisely where, and as they were nearly a hundred years before, when Sir William Berkeley gave his answers on this subject; and precisely where they ever were under the royal government, so far as I can find. It follows, as a necessary consequence from this proclamation, that if the General Assembly of Virginia, either with or without the royal sanction or confirmation, had, prior to that time, extended the lines of any county over the limits of the reserved country, or if they, or the chief executive officer of the colonies had made or promised any unauthorized and unconfirmed grants of land within the reservation, all such acts of assembly, and all such grants were, by virtue of this proclamation, effectually put out of existence, and annulled. And if any act of assembly of Virginia to extend the limits of any county in the reserved territory were passed after the date of the proclamation, or if any grant of land within the reservation was made by the governor or assembly, without the special license of the crown, all such acts and grants were not only nullities, but in direct and open violation of the positive and emphatic prohibitions of the proclamation; and could not lay any legal foundation for a claim of title to the territory after the separation of the colonies from the crown. They were as nugatory as would be an act of the now territorial legislature or governor of Iowa to extend the limits of its counties into Oregon, or to grant lands there, without authority of Congress. I can perceive no difference between the two cases. We must not, therefore, lose sight of the fact that during the whole time of the royal government, the question is, What did the crown do or authorize?—not what unauthorized assemblies, officers, or persons did. And now permit me to inquire, Did the crown, after this proclamation, ever attach the country reserved for the Indians under his own dominion, or any part of it, to the colony of Virginia? If it did, I have not been so fortunate as to find the evidence of the fact. So far from doing that, a few years after the date of this proclamation, and just before the breaking out of the American revolution, the crown had it in contemplation to establish a new province in that part of the re-

served territory which lies between the Allegheny Mountains and the Ohio River and north of the mouth of the Scioto River, embracing the whole of the present Western Virginia and a part of the now State of Kentucky. In 1769, negotiations for the establishment of this colony were opened with the crown, by Thomas Walpole and a number of associates, residing both in England and America, and were prosecuted until the terms of the grant had passed the king's council, and the charter for the colony had been prepared and was complete, except to affix the royal seals to the letters patent, when the whole business was suspended by the breaking out of our revolutionary disturbances. (See Jour. of Cong., May 1, 1782, 4 vol. 23.)

During the pendency of these negotiations, notice of them was given to the Virginia authorities, in a letter from Lord Hillsborough, then Secretary of State of Great Britain, dated July 21, 1770. That letter, as appears from the answer, was laid before the Council of Virginia, and answered by President Nelson on October 18 of that year. The following are extracts from the answer of the president and council:

"On the evening of the day your lordship's letter to the governor was delivered to me, as it contains matters of great variety and importance, it was read in council, and, together with the several papers enclosed, it hath been maturely considered; and I now trouble your lordships with their, as well as my own, opinion upon the subject of them. We do not presume to say to whom our gracious sovereign shall grant his vacant lands, nor do I set myself up as an opponent to Mr. Walpole and his associates. * * * *

"With respect to the establishment of a new colony, *on the back of Virginia*, it is a subject of too great political importance for me to presume to give an opinion upon. However, permit me, my lord, to observe, that when that part of the country shall become sufficiently populated, it may be a wise and prudent measure." (See papers of Cong. in State Dep. Nos. 30, 77; and 5 vol. Rep. Committee, 2d Session 27 Cong. No. 1063, page 55.)

This letter of the President and Council of Virginia, the result of their joint deliberations, seems to prove conclusively that

no doubt existed at that time in regard to the boundary of Virginia. No objection is made that the country about to be erected into a province was a part of the colony of Virginia, or that it would circumscribe it within too narrow limits. On the contrary, it is spoken of not as a country *within*, but as the country on the *back of Virginia*. Mr. Madison, in a letter to Mr. Jefferson, in 1782, says that this letter will be used in Congress to prove that Virginia had no territory beyond the mountains. (See 1 vol. Madison's papers, page 119.) As already stated, I cannot find that by any act of the crown, the western boundary of Virginia was, even during the existence of the colonial government, extended beyond the limits prescribed to it by the proclamation of 1763. And this brings me to the period of the American revolution. It is here important to understand, correctly, what bearings the new relations created by the Declaration of Independence had upon the question of *right* to the crown lands, and what the parties to that declaration did in respect to those lands.

All lands on the continent subject to English jurisdiction, which had not been granted away by the sovereign, were the admitted property of the crown. When the crown was divested of the right of soil and jurisdiction, they both, of necessity, passed to and vested in some other proprietor. No sooner, therefore, was the war of the revolution fairly opened, and the Declaration of Independence put forth, than the question to whom these rights had passed, became an inquiry of the deepest interest to the whole confederacy. All the States were greatly straightened for the means of bearing their respective proportions of the expenses of the war. All attached a very great and probably undue importance to these lands, as a source of revenue, or as a fund on which to obtain credit by their hypothecation. Two sets of opinion, or, if you please, two parties sprung up about the right to them. One maintained that the States, respectively, had succeeded to the crown lands within their limits. The other, that the confederacy, or nation at large, had succeeded to the rights and property of the crown, as a common fund. Many very distinguished men arrayed themselves on different sides of this question. Mr. Hamilton, for example,

held the latter opinion, and Mr. Madison the former. Those States whose colonial limits embraced any considerable amount of these lands, claimed that they were the property of the State, and that the right of the crown, by the declaration of Independence, had passed to the State sovereignties, where the lands happened to be. Those, on the contrary, who had none of these lands within their limits, claimed that all the crown lands and crown property had passed to the nation, on the principle that what was acquired and conquered by the common effort, blood and treasure, was, by the law of nations and of justice, the common property of all. Seven States, embracing within their limits large bodies of these lands, insisted on the right of the State sovereignty—the other six strenuously insisted on the right of the nation, and thus the controversy forthwith found its way into the Congress of the Confederation, where those who maintained the rights of the nation demanded that the property of the crown that might be wrested from it, by their united efforts, should be applied to maintain the war, or pay the debts incurred by it. The States which advocated the right of State sovereignty to these lands evidently had a powerful motive to extend their territorial limits as far as possible. The stale and forgotten claims of the provincial governments to territory were diligently revived, and, as might, under such circumstances, be expected, were brought forward as unextinguished and subsisting rights. That controversy is now forgotten; but the history of the revolution abundantly proves that nothing, save the war itself, so deeply agitated the whole country as this question; and no other subjected the Union to so great peril and hazard.

In 1777, when the question of the confederacy came to be discussed in Congress, it was found impossible to come to any agreement on this subject, and the Articles of Confederation were finally presented to the States for their ratification, leaving this question unsettled, by omitting to make any regulation about it. Some of the States, and particularly Maryland, claiming that these lands were the common property of the nation, refused to accede to the confederacy for some years, on account of this omission, insisting strenuously that a provision should be incor-

porated into the Articles of Confederation settling this controversy; and, finally, when at last under the severe pressure of the war, which rendered united effort indispensably necessary to save the sinking and waning cause of the revolution, she did come into the confederacy, it was with a protestation that, by so doing, she waived no rights to her share of the public domain. Massachusetts and Connecticut set up claims to a large extent of country beyond the Ohio, and New York claimed the whole territory *beyond the Allegheny Mountains*, as within her jurisdiction. Virginia claimed the whole, and the confederacy also claimed it all. So, that for all the country west of the Allegheny Mountains, there were three distinct claimants, and for so much as was covered by the respective claims of Massachusetts and Connecticut, there were no less than four parties setting up title to the same crown lands. When Virginia, in 1776, came to form her State constitution, she embraced within the limits she assigned to herself all the territory claimed by the confederacy, and by each of these States. In fixing her boundaries, the constitution, in the first place, *ceded* and *released* to the people of Maryland, Pennsylvania, North and South Carolina all the territories contained within their charters, and which, as has been already shown, were within the limits of the Virginia charter of 1609. It then proceeds to declare that "the western and northern extent of Virginia shall, in all other respects, stand as fixed by the *charter* of King James I, in the year 1609, and by the public treaty of peace between the courts of Great Britain and France, in the year 1763." (See 9 vol. Henning Stat., 118.)

Here is an assumption that, till that time, Virginia, by virtue of the charter of King James to the London Company, had been the proprietor of North and South Carolina, Maryland and Pennsylvania, all of whose territories are thereby *ceded*, *released* and confirmed to them respectively. Not only was this pretence now for the first time set up, but this old charter, which never did convey title to the colony of Virginia, but to a non-resident company, which had been vacated and dead for more than one hundred and fifty years—which, during all that time, had been repudiated by the crown and the colony, and that repudiation enforced by a law of the province imposing a forfeiture of the

whole estate of him who should attempt to revive or restore it—was now found to be a living instrument, and to invest Virginia with a valid title to the whole body of crown lands beyond the mountains. This claim of Virginia was remonstrated against by the legislatures of several of the States, in language of the bitterest complaint. There being six states on one side, and seven on the other, Congress dared not, if it had the power, decide this disputed question in favor of either party to the controversy. It was clearly foreseen, a decision in favor of either would break up the confederation, and ruin the cause of the revolution. To obviate the necessity of deciding this question, resort was had to compromise, as all other public disputes are settled where an appeal is not taken to the sword.

Virginia, as will be seen hereafter, secured to herself, in a compromise, a title to the country west of the mountains as far as the Ohio, though it was strongly remonstrated against by some of the States, who objected to her retaining so large a share of the crown lands. As this controversy among the members of the Union, and in the confederacy, was co-eval with the Declaration of Independence, it is apparent that no act done or law passed by any State, during the dispute, without the assent of the claimant of the antagonist right, could in the least benefit such State, or give any validity to its pretensions.

Any laws, therefore, passed by Virginia, whether in the shape of constitutions or of ordinary statute laws, setting up exclusive claims to the country in dispute, could avail her nothing as against the rights of other States, or of the confederacy. We are not, therefore, to resort to her constitution, or laws passed during the controversy, to determine what her rights were. I put them out of the question, as evidences of right in her behalf.

I will now proceed to the legislative history of the claim of Virginia during the revolution, and show in what manner it was finally compromised.

In December, 1778, the Legislature of Maryland adopted a solemn declaration on the subject of the crown lands, and addressed certain instructions in conformity to the principles of that declaration to the members of Congress from that State, directing them not to accede to the confederation unless an article

or articles should be added thereto, "giving full power to the United States, in Congress assembled, to ascertain and fix the western limits of the States claiming to extend to the Mississippi or South Sea, and expressly reserving or securing to the United States a right, in common, in and to all the lands to the westward of the frontier as aforesaid." They also declare, "That the exclusive claim set up by some of the States to the whole western country by extending their limits to the Mississippi, or South Sea, is, in their judgment, *without any solid foundation*, and, they religiously believe, will, if submitted to, prove ruinous to this State, and to other States similarly circumstanced, and, in process of time, be the means of *subverting the confederation*." They accuse Virginia of an ambition, by an unjust extension of her territory, to build up a State that would overshadow the other States of the Union. They declare that Virginia had adduced neither argument nor evidence in support of her right, "deserving a serious refutation." The declaration and instructions will both be found in the tenth volume of Henning's Virginia Statutes, page 548 to 556, and the instructions will also be found entered at large on Journals of Congress of May 21, 1779, 3 vol. 281.

About the same time, the applicants to the British crown for a colony *back of Virginia*, as already explained, and who claimed to own the country, by virtue of a cession of it to them by the Fort Stanwix treaty of the 5th of November, 1768, petitioned Congress for a confirmation of their rights, and to be allowed to form a State between the Allegheny and the Ohio, above the mouth of the Scioto. (See Journal of Congress of September 14, 1779, 3 vol. 359.) On the 14th of December, 1779, the Legislature of Virginia sent a remonstrance to Congress, in answer to this petition, and also to the declaration and instructions of Maryland, protesting against the jurisdiction of Congress over the subject, and basing her claim to the western territory on the Virginia charter and her State constitution. (See 10 Henning's Statutes, 559. The Fort Stanwix treaty will be found in the appendix to Butler's History of Kentucky, page 390.)

When Maryland had accused Virginia of ambition, of having adduced neither argument nor evidence of claim "deserving a

serious refutation;" when she had solemnly declared that she would not accede to the confederation, unless this pretension was abandoned; when the deepest anxiety was felt that Maryland should accede to the confederation, and put the government into motion; when she stood out on this point alone when the destiny of the Republic was suspended on it, and ready to fall; when Virginia, therefore, had every motive, in reply to Maryland, who felt herself aggrieved to make such an exhibition of her rights as would satisfy the complaints of a sister State, and we find her putting forth on that remonstrance no other foundation of claim than this charter—have we not a right to presume she had no other? This declaration of Maryland, it will be noticed, required all the States setting up claims to the Western country to relinquish them to the United States, as the condition of her coming into the confederacy. In this critical state of things, when nothing but this controversy prevented the ratification of articles of confederation—an act so indispensably necessary to the prosecution of the war, to the success of the revolution, and the security of American freedom—the State of New York, which claimed the whole Western country west of the mountains, instead of remonstrating, yielded to the request of Maryland, and, with a magnanimity that entitles her to lasting gratitude, surrendered up her rights on the altar of her country, by passing an act in February, 1780, authorizing her delegates in Congress, by deed of conveyance to the United States, to restrict the western limit of that State, "as they should judge expedient." This act bears the honorable and patriotic title of "An act to facilitate the completion of the articles of confederation, and perpetual union among the United States of America." (See act at large in *Journal of Congress* of March 1, 1781, 3 vol., 582.)

The act of New York, the declaration and instructions of Maryland, and the remonstrance of Virginia were all referred to a committee of Congress, who made a report thereon. On September 6, 1780, their report was taken up and adopted.

As that report laid the foundation for the compromise that was finally made of this agitating question, and as showing the deep concern felt by Congress on this subject (about which I have already said it dared not make a decision), it is entitled to

especial attention, as an important historical document. The report was transmitted by Congress to all the States, and, as adopted, was in these words, viz.:

"That, having duly considered the several matters to them submitted, they conceived it unnecessary to examine *in the merits* or *policy* of the instructions or declaration of the General Assembly of Maryland, or of the remonstrance of the General Assembly of Virginia, as they involve questions, *a discussion of which was declined on mature consideration*, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be *now received with any prospect of conciliation*; that it appears more advisable to press upon those States which can remove the embarrassments, respecting the Western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy—to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members—how essential to public credit and confidence, to the support of our army, to the vigor of our councils, and the success of our measures, to our tranquility at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal nation; that they are confirmed in these expectations by a review of the before-mentioned act of the Legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that State, the impediment arising from the Western country, and for that purpose to yield up a portion of territorial claim for the general benefit; whereupon, *Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of this report, to the legislatures of the several States, and that it be earnestly recommended to those States who have claims on the Western country to pass such laws, and give their delegates in Congress such powers, as may effectually remove *the*

only obstacle to a final ratification of the articles of confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles." (See *Journal of Congress* of September 6, 1780, 3 vol., 516; 10 vol. Henning's Statutes, 562.)

This report shows that when the articles of confederation were debated, Congress had declined any investigation of the merits of the claims set up by the States to the Western country; that the same thing was now again done from a belief that no conciliation could in that way be had—a course founded upon the evident conviction that no State would yield its claims to another, and that an expression of opinion in favor of one and against the other, would only produce increased exasperation among the States. They, therefore, held up the example of New York to their imitation, and recommended to them to make liberal surrender of portions of their claims. And while they held out this recommendation of compromise to the States claiming the crown lands, they, at the same time, most earnestly appealed to Maryland to come forward and complete the ratification of the articles of confederation, and thus perfect the union, and at the same time forever extinguish the hopes of the common enemy, who, as the history of that day evinces, flattered himself that a disruption of the States would take place out of this controversy. Maryland, moved by this appeal to her patriotism, in the month of January following, passed an act (her instructions and declaration to the contrary notwithstanding), authorizing her delegates in Congress to accede to the articles of confederation, but with a protestation that she did not thereby yield any of her rights to the back country, declaring that she did this because it had been said that, by her not acceding to the confederation, the common enemy was encouraged to hope that the union of the sister States would be dissolved, and that the enemy prosecuted the war "in expectation of an event so disgraceful to America;" and to destroy forever any apprehension of her friends, or hope in her enemies, that she would ever again be united to Great Britain, she came into the confederation, trusting to the justice of the States laying claim to the back country. The articles of confederation were accordingly ratified by the Mary-

land delegation. (See *Journal of Congress* of February 12, 1781, 3 vol., 576, and of March 1, following, 3 vol., 586.)

Virginia, likewise participating in the same sentiment of patriotism, in the same month (January, 1781,) passed an act yielding all her right and claim to the country northwest of the Ohio, but this surrender was clogged with various conditions, of which one was that the United States should *guarantee* to her all of her remaining territory on the southeast side of the river, which included the present States of Virginia and Kentucky. The acceptance of this act of cession was urged upon Congress for more than two years by the Virginia delegation in Congress, with great perseverance when, in May, 1783, it was finally refused by Congress, and a resolution respecting the cession was adopted, of which I shall have occasion to speak hereafter. To a right understanding of the claim of Virginia, and of the mode in which it was finally compromised, it is necessary to state briefly in this connection the grounds on which the refusal of Congress to accept this act of cession was placed, and the public transactions that preceded and led to it. When this first act of cession by Virginia was passed, the New York delegation in Congress had not yet carried into execution the discretionary power vested in them by the act of that State. Connecticut had also passed an act of cession of her claims. New York, it will be remembered, claimed the whole country beyond the mountains. The claimants under the Fort Stanwix treaty, who, as already mentioned, were petitioning Congress for a confirmation of their rights, and to erect a new state, insisted on their title to all the present Western Virginia and part of Kentucky. It will thus be perceived, Virginia required from the United States, as a condition of her cession of the territory beyond the Ohio River, a guarantee of the country between the Allegheny and the Ohio, which was claimed by New York, and by those petitioners. The object of this guarantee was to protect Virginia against these claims. The petition of these claimants, the acts of cession of New York, of Connecticut, and of Virginia, were all referred to a committee of Congress to report thereon. As Virginia required this guarantee, the committee were of opinion that to enable them to decide whether the confederacy ought to enter into such an engagement,

it was incumbent on them to examine into the title to the territory on both sides of the Ohio, so that they might act understandingly in the matter. The committee, in their report, which will be found at large in the Journal of Congress of the 1st of May, 1782, (see 4 vol., 21), state that they had a meeting with the agents of the States of New York, Connecticut and Virginia; that the agents of New York and Connecticut laid before them "their several claims to the lands said to be contained in their several States, together with vouchers to support the same; but the delegates on the part of Virginia declining any elucidation of their claim either to the lands ceded in the act referred to your committee, or the lands requested to be guaranteed to the said State, delivered to your committee the written paper hereto annexed, and numbered twenty." That paper is signed by the Virginia delegation in Congress, of which Mr. Madison was one; and states the reasons why they declined to comply with the request of the committee to exhibit before them the evidence on which Virginia vested her claim. It is not printed in the Journal of Congress; but the original manuscript will be found among the unpublished papers of the Congress of the Confederation in the State Department, in book No. 30, page 557. It assigns several reasons for their declination, the first and most material of which is in these words, viz.: "The acts of Congress, in compliance with which the above-mentioned cessions (meaning those referred to the committee) were made, are founded on the supposed inexpediency of discussing the questions of right, and recommend to the several States having territorial claims in the Western country a liberal surrender of a portion of these claims for the benefit of the United States, as the most advisable means of removing the embarrassments such questions created. To make these acts of surrender, then, the basis of a discussion of territorial rights, is a direct contravention of the acts of Congress, and tends to diminish the weight and efficacy of future recommendations from them to their constituents." I shall hereafter have occasion to remark that this paper is important to show how Virginia understood the acts of Congress in compliance with which the States passed these acts of cession. The committee goes on to state that they have carefully examined the vouchers

laid before them, and obtained all the information in their power respecting the state of the lands mentioned in the acts of cession of New York, Connecticut and Virginia; that they had maturely considered the same, and that, for reasons that are stated by them at length, they are of opinion that the *jurisdiction* of the whole territory owned by the Six Nations of Indians and their tributaries *was vested in New York*; that the "colonies of Massachusetts, Connecticut, Pennsylvania, Maryland and Virginia had, from time to time, by their public acts, recognized and admitted the said Six Nations and their tributaries to be appendant to New York." That "the Crown of England had always considered and treated the said Six Nations and their tributaries, inhabiting as far north as the forty-fifth degree of north latitude, *as appendant* to the government of New York; that, by accepting this cession (that of New York), the jurisdiction of the whole Western territory belonging to the Six Nations and their tributaries will be vested in the United States, greatly to the advantage of the Union." Congress, in pursuance to this recommendation, did accept the New York cession. The territory of the Six Nations of Indians extended on both sides of the Ohio as far west as the Wabash and Tennessee Rivers, the latter of which was, at the date of the treaty of Fort Stanwix, called the Cherokee River. (See Butler's History, appendix, page 392.) While these cessions were before Congress, and in the hands of this committee, Mr. Madison, on the 13th of November, 1781, wrote to Mr. Edmund Pendleton that he believed the Virginia cession, with the conditions annexed to it, would not be accepted by Congress; that it seemed to be the opinion in that body that an acceptance of the cession of New York would give the United States a title that would be *maintainable against all the other claimants*. (1 vol. Madison's papers, page 101.)

As to the Virginia act of cession, the committee say: "That it appeared to them from the vouchers laid before them, that all the lands ceded or pretended to be *ceded* to the United States by the State of Virginia are within the claims of the States of Massachusetts, Connecticut and New York, being part of the lands belonging to the Six Nations of Indians and their tributaries." That "it also appeared that great part of the lands claimed by

the State of Virginia, and requested to be *guaranteed* to them by Congress, is also within the claim of the State of New York, being also a part of the country of the said Six Nations of Indians and their tributaries." They conclude by declaring that "the conditions annexed to said cession are incompatible with the honor, interests and peace of the United States, and, therefore, in the opinion of the committee, altogether inadmissible."

This report was debated in Congress, from time to time, till the 4th of June, 1783. Repeated efforts, in various forms, were made by Virginia to obtain the acceptance of this act by Congress, but without success. The letters of Mr. Madison, then a member of Congress, written during this time, to be found in the Madison papers, abundantly testify to the deep solicitude and anxiety felt by him and his colleagues on this important subject. It ought here to be borne in mind that the States which held that the crown lands were the property of the nation, strenuously resisted the acceptance of this act of Virginia, chiefly on the ground that it permitted that State to retain the country between the mountains and the Ohio River, which they denied Virginia had any title to. And it certainly is very difficult to show that she had any more title to that than to the country beyond the river. Various votes had been taken in Congress, which were regarded as equivalent to the rejection of this act of cession, when finally, on the 4th of June, 1783, on motion of Mr. Bland, of Virginia, so much of the former report as related to that act was referred to a committee of five, of whom Mr. Madison was one, and Mr. Ellsworth, of Connecticut, afterwards Chief Justice of the Supreme Court of the United States, was another. Immediately on this reference to the last mentioned committee, the States which had opposed the acceptance of the Virginia act of cession, and looked upon it as rejected by Congress, took it up anew. The Legislature of New Jersey, in particular, which had constantly protested against permitting Virginia to retain the territory between the mountains and the Ohio, ten days only after this last reference, passed new resolutions on the subject. They commence with expressing their surprise that Congress, after its former proceedings, should again have taken up the subject of the Virginia act of cession, and, setting forth their objections to

it, they conclude by saying: "We cannot be silent while viewing one State aggrandizing herself by the unjust detention of that property which has been acquired by the common blood and treasure of the whole, and which, on every principle of reason and justice, is vested in Congress for the use and general benefit of the Union they represent. They doubt not the disposition of Congress to redress every grievance that may be laid before them, and are of opinion there can be no greater cause of complaint, nor more just reasons for redress than in the present case. They do, therefore, express their dissatisfaction with the cession of western territory made by the State of Virginia, in January, 1781, as being far short of affording that justice which is equally due to the United States at large, and request that Congress will not accept of the said cession; but that they will press upon the said State to make a more liberal surrender of that territory of which they claim so boundless a proportion." (See Journal of Congress, June 20, 1783, 4 vol. 231.)

The last committee made a report, which was finally acted upon and adopted on the 13th of September, 1783. (See Journal of that day, 4 vol. 265.)

As was the case when the articles of confederation were discussed, and again when the recommendatory resolution of the 6th of September, 1780, was adopted, already stated at large, so now the committee, in pursuance of the settled policy then decided upon, abstained from making any inquiry into the title of Virginia to any part of the country on either side of the Ohio, but took up the several conditions contained in the act of cession, giving to each of them a distinct consideration, approving some and rejecting others, and laying down the terms on which they would recommend to Virginia to make, and the United States to accept a cession. On the subject of the last condition, which was the proposed guarantee of the country on the south-east of the Ohio, the committee say: "As to the last condition, your committee are of the opinion that Congress cannot agree to guarantee to the Commonwealth of Virginia the land described in the said condition, *without entering into a discussion of the right of Virginia to the said land*, and that, *by the acts of Congress*, it appears to have been *their intention*, which the com-

mittee cannot but approve, *to avoid all discussion of the territorial rights of individual States*, and only to recommend and accept a cession of their claims, *whatsoever they might be*, to vacant territory. Your committee conceive this condition of a guarantee to be either unnecessary or unreasonable, inasmuch as, if the land above mentioned is really the property of that State, there is no reason or consideration for such guarantee. Your committee, therefore, upon the whole, recommend that if the Legislature of Virginia make a cession conformable to this report, Congress accept such cession." This report, after its adoption, was transmitted to Virginia, whose Legislature, on the 20th of the next month (October, 1783), passed an act of cession of the country beyond the Ohio, in conformity to the terms thus recommended by Congress, which was accepted by the United States on the 1st of March, 1784. (See Journal of Congress of that day, 4 Vol. 342; 1 vol. Laws U. S., 472.) Thus, at length, was terminated, peacefully and happily, this long agitated and perilous controversy. "This second act of cession begins by referring to the last mentioned report, and accedes to the terms recommended by Congress. And thus that report, and all the acts of Congress referred to in that report, as evidencing the policy Congress adopted and then adhered to in regard to the claims of the States, are, in fact, made a part of the act of cession, by this reference, as much as though they were recited at large in the act, and are to be regarded as part of it, in fixing its interpretation and legal effect. The result of the whole arrangement was that Virginia surrendered up the country beyond the Ohio to the confederacy, and the United States left Virginia in the quiet possession of the country between the mountains and the river, to which they set up a claim in their own right, and as assignees of New York. It is thus an undeniable fact that a transfer of Virginia was accepted, *for whatever it might be*, good or bad, without examination by the United States into its merits, or production of proof of its validity by Virginia, which, by the express understanding of both parties, was waived.

This closes the legislative and documentary history of the title of Virginia; and, keeping it in view, we are now prepared to present, in an intelligible form, the distinct question upon which

the claim now set up by Virginia to the *whole river* must turn. The principle of the law of nations already adverted to, as laid down by the Supreme Court of the United States, in case of *Hanley's lessee vs. Anthony* (5. Wheat., 379), is "that where a great river is a boundary between two nations or States, if *the original property is in neither*, each holds to the middle of the stream; but when one State is the original proprietor, and grants the territory on one side only, it retains the river within its domain, and the newly erected State extends to the river only." I have already, by reference to the law of nations, shown that it leans strongly in favor of an equitable partition of the river, and will hold the nation or State that sets up an exclusive right to the whole to clear and conclusive proof of title. Virginia sets up such a claim, and, of course, takes upon herself the burthen of proving that she had a clear right to the country on both sides of the Ohio. And here the question presents itself, has Virginia made, or can she make, clear and conclusive proof that, prior to the act of cession, she had title to both or to either side of the river? I shall not repeat what I have already said on that head; but there is strong contemporary inferential proof that Virginia had no title or claim except what was founded on the Virginia charter of 1609, to which I will briefly advert. It will be recollected that, as early as 1778, the claims of the State of Virginia to the western country had been vigorously assailed in Congress, and by other States of the confederacy. Her pretensions had been denounced as unfounded, unjust, and ambitious. Against this denunciation, Virginia had remonstrated to Congress as early as 1779. All this was calculated to put her people, and especially her public authorities, upon inquiry and examination into the evidences and proofs of her title to the country in dispute. Nor was she wanting in this duty to herself. When the committee to which the first Virginia act of cession was just referred, with those of New York and Connecticut, made their report in favor of the acceptance of the act of New York, and the rejection of that of Virginia, as already explained, Mr. Madison wrote to Mr. Jefferson, giving him a detailed account of the proceedings of the committee, and of the course pursued by the Virginia delegation in Congress, and urged him.

to collect the documentary evidence necessary to enable them to meet the objections raised against the title of Virginia. (1 vol. Madison papers, 106.) It appears from that and other letters in the same volume, that other distinguished gentlemen were applied to for similar aid. Three months later, he again writes to Mr. Jefferson a very urgent letter on this subject (1 vol. Madison papers, 119), which commences with this passage: "I entreat that you will not suffer the chance of a speedy and final determination of the territorial question by Congress, to effect your purpose of tracing the title of Virginia to her claims." He tells him that in every event it is proper to be armed with every argument and document that can vindicate her title; and informs him that in all probability, in addition to her own claims of title, the confederation would fortify herself with the title of New York, which State, he says, set up a claim to all the territory in dispute. He then proceeds to inform him in detail by what arguments the title of New York will be supported, and that of Virginia opposed. As already mentioned, he, about the same time, in a letter to Mr. Pendleton (1 vol., 101), says it seemed to be the prevailing opinion that the cession of New York would give Congress a title which would be maintainable against all other claimants. It is true that Mr. Madison, in all these letters, expresses confidence in the validity of the Virginia claim. But it is equally certain that, though this controversy was kept up for four or five years, with great excitement about it both in Congress and in the States, till the passage of the compromise resolution of September 13, 1783, the Virginia delegation in Congress were all that time at a loss to know on what ground other than that of the old charter to rest her claim to the country. The Madison papers do not show that, by their own researches or those of their friends, the Virginia delegation were ever able to exhibit any other documentary proof of title. Nor can I discover, on looking into Mr. Jefferson's correspondence, that he was ever able to trace out a title for Virginia, or that he or others engaged in the same work, found anything of any value to support it, not before well known to the public. Nor has the learned counsel for the commonwealth now been able to

exhibit any new proof of title not familiar to all at the period of the controversy.

I think from what has been said, it may now confidently be asserted that Virginia had no title to the country west of the Allegheny Mountains, certainly no such clear and conclusive proof of title as the law of nations require her to make, as the sole condition on which she can sustain as against Ohio, an exclusive right to the whole river. But, here, it may be, and has been said, that the deed of cession admits title in the grantor—that the United States, and all claiming under them, are estopped from going behind it to inquire into the original right. This objection places a great public question upon the narrow basis of a mere legal technicality. When refuge is taken behind it, what was said by the Supreme Court, in the case of *Handley's lessee vs. Anthony*, already cited, may be applied with much force, that “in great questions which *concern the boundaries of States*, where great national boundaries are established in general terms, *with a view to public convenience and the avoidance of controversy*, we think the great object, where it can be distinctly perceived, *ought not to be defeated by those technical perplexities*, which may sometimes influence contracts between individuals.” But if it be admitted that the doctrine of estoppels is recognized by the law of nations, as applicable to a treaty, deed, or act of cession by one independent sovereignty to another, still it would not be applicable to this deed of cession. If this were a mere naked deed of cession, or conveyance of the country, without reference to any extrinsic or antecedent fact, the question would fairly and fully arise whether the law would permit either party to resort to the antecedent or extrinsic facts which induced one party to make and the other to accept the deed for the purpose of putting a construction on it. But if the deed contains recitals of facts or motives, or reference to them, then the facts thus recited or referred to, become a part of the deed, and we have an undoubted right to look into the facts to which reference is made, and give them the same weight and effect as though the matter referred to were incorporated into the instrument at large. Now, this deed of cession is of the latter class, and begins by reciting in full the act of assembly of Virginia of the 20th of October,

1783, which empowered her delegates in Congress to execute the deed. That act is not only a part of the deed, but it is the sole authority on which the validity of the deed rests. It is what is commonly called the power of attorney to make the conveyance. This act of assembly thus recited at large in the deed begins by a recital of facts, and of the motives that induced the Legislature to pass it. And for its motives, it refers to certain public acts or transactions, which being referred to, we have a right to look into, and treat as a part of the deed. The first public act thus referred to is the resolution of Congress of September 6, 1780, recommending to the States setting up claims to vacant lands to make cessions of them to the confederacy.

I have already shown that when that resolution was passed, as well as prior to that time when the articles of confederation were debated, Congress decided that they would not inquire into the *validity* of the claim of any State; but that instead of such inquiry, they proposed the States should, by way of compromise, one and all convey their claims, such as they might be, to the confederacy, and in that way quiet the title and settle the controversy among the States about the crown lands. I have also shown that it was on that express ground that, two years afterwards, Virginia declined to exhibit before a committee of Congress her title to the country on the east side of the Ohio, which, by her first act of cession, she required Congress to guarantee to her, insisting that the resolution of 1780, in compliance with which she passed her first, as well as second act of cession, was founded on the very basis that no inquiry into the right or title of any State was to be made. The committee, on the contrary, thought that case formed an exception to this understanding, and that if Virginia required a guarantee of country which she did not cede, that Congress ought to look into her title before becoming responsible for it. In the next place, the Virginia act, recited in the deed, refers to the proceeding of Congress of September 13, 1783, which thus becomes in law a part also of the deed. That proceeding, or *act* of Congress, as it is called in the Virginia law, was nothing more nor less than a report of Congress, which has been already presented at large. It was a report coming from a committee, of which Mr. Madison, we have

seen, was one, upon the first Virginia act of cession, rejecting it, and explaining to Virginia the reasons for not accepting that act, and setting forth the terms on which the confederacy would accept a cession from that State. The report reiterates and declares what the delegates of Virginia had before insisted upon as a basis of a compromise, "that by the acts of Congress, it appears to have been their intention, which the committee cannot but approve, to avoid all discussion of territorial rights of individual States, and only to recommend and *accept* a cession of their claims, *whatsoever they might be*, to vacant territory." The act of Virginia then goes on to declare that she passed it in conformity to this recommendation of Congress. In view of these facts, thus made, by recitals and references, a part of the deed of cession, how is it possible for Virginia to say that Congress, by accepting the deed of cession, admitted her title to be good? Might not the same claim, with equal propriety, be set up in favor of the cession of New York, Massachusetts, and Connecticut, who also became parties to this same compromise, and ceded their claims in response to the same resolutions of Congress? The cession of all put together make one great result—one whole—one *compromise* of conflicting pretensions. It may be further added that, as the last act of cession refers to the report of Congress of 1783 to show what motives governed Virginia in passing it, and as that report, in its turn, refers in general terms to the prior acts of Congress on that subject, to show their intention, the whole body of the prior proceedings of Congress are thus, in fact, laid open to our examination, and we have a right to look into them all in giving to the deed of Virginia its legal effect. I shall hereafter state what the law of nations defines a compromise to be. I shall, for the present, assume that the cession of Virginia, and of the other States, was the result of a compromise, in which, in accepting the cession, the validity of the title of no one of the ceding States was admitted, or intended to be admitted, by the confederacy; but the contrary was expressly declared and understood as one of the terms and conditions of the arrangement. It follows from this, that in all controversies about the title to the country that was in dispute (being all west of the Alleghenies), we are bound either to look to this compro-

mise as the origin and basis of the title, or, if not, then we are at liberty to go back into the prior title, without regard to the cession. I have already shown that Virginia had no title prior to that time, and will not repeat what has been said on that subject. In my opinion, the compromise is the foundation of the title, and both parties are precluded from going back of it to inquire into the prior claim. The deed of cession is to have a legal effect and operation, according to the terms of the compromise, and the understanding of the parties at the time it was entered into. Both parties to the cession claimed to own the country on both sides of the Ohio. Both expressly agreed that the title of neither should be inquired into by the other—that no decision should be made or opinion expressed by either as to the goodness of the title of the other; that the dispute should be settled by leaving Virginia in possession of the territory on one side of the Ohio, the United States taking that on the other side of the river. Before that time both set up a *claim*, but neither had an *admitted title* to either side of the river. In this view of it, the title to each side of the river is co-eval with the other. Neither can assert a prior title, and, as the parties then agreed they would not look into the validity of the title of either, both are bound by the agreement, and must live by it. If the title on each side of the river be co-eval, I will show hereafter where the law of nations will fix the boundary, after having shown what that law defines a compromise to be. “Compromise is a method of bringing disputes to a peaceable termination. It is an agreement by which, without precisely deciding on the justice of the jarring pretensions, the parties recede on both sides, and determine what share each shall have of the thing in dispute, or agree to give it entirely to one of the claimants on condition of certain indemnifications granted to the other.” (Vattel’s Law of Nations, book 2, chap. 18, sec. 327.)

The first of the two modes of compromise here stated by Vattel describes with perfect accuracy the condition of the parties to this dispute, and their manner of settling it. The confederacy, in its own right and as the grantee of New York, claimed the whole country west of the mountains on both sides of the Ohio. Virginia claimed the same. “Without precisely deciding

on the justice of their jarring pretensions, the parties recede on both sides, and determine what share each shall have of the thing in dispute." Where indeterminate rights are thus rendered definite, and a dispute afterward arises about them, common sense and the plainest necessity dictate that both parties must be referred back to the compromise, that is to say, to the time when the right was rendered definite, and no further—to go back of it is to undo the compromise, render it a nullity, and again involve the parties in the very difficulty which it was the aim and end of the compromise to avoid. Mr Madison was for a long time earnestly engaged in endeavoring to bring about a compromise of this dangerous dispute, and the country owes him an infinite debt of gratitude for his labors in so good a cause. This is evidenced not merely by his course in Congress, but the Madison papers, show that he had it near to his heart, and remained in Congress to effect it. In a letter to Mr. Edmund Randolph, written on the 10th of September, 1782, he says, "Every review I take of the western territory produces fresh conviction that it is the true policy of Virginia, as well as of the United States, *to bring the dispute to a friendly compromise.*" It was the next year terminated in the mode he desired. The application to this state of facts of the principle already so fully established that "where a great river is the boundary between two nations or States, if the original property is in neither, and there be no convention respecting it, each hold to the middle of the stream," is both easy and unavoidable. It is also just and equitable, promoting the convenience of all, and doing injury to none. I will now bring this long argument to a conclusion, by remarking that the channel of the river must have been understood to be the boundary at the time of the arrangement. One of the very first, and, immeasurably, the most important act ever passed by Congress respecting the ceded territory puts a practical construction on the cession wholly irreconcilable with the claim now set up by Virginia to the whole river. In the celebrated ordinance of 1787 for the erection of a government in the territory northwest of the Ohio, it is not merely declared, but made an article of compact between the people of the territory and the people of the United States, irrevocable except by common consent, that

"the navigable waters leading into the Mississippi and St. Lawrence, and other carrying places between the same, shall be *common highways*, and forever free, as well to the inhabitants of said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without tax, impost, or duty therefor." (1 vol. Laws U. S., 479.)

It is plain that ordinance was intended to embrace the Ohio. It has always been so understood. Men of tender consciences, and having constitutional scruples, have in these latter days voted appropriations to clear out and improve the navigation of the Ohio, on the express ground that this compact had imposed a duty on Congress, and given it a power over the river which it does not possess over rivers not embraced by the ordinance. Indeed, it is the principal river included within the terms "the navigable waters leading into the Mississippi." If the Ohio does, in fact, belong exclusively to Virginia, then it is plain this compact, so far as that great river is concerned, is as much a nullity as though the ordinance had undertaken to regulate the navigation of the James, or any other river within the admitted territory of Virginia. Considering the very great importance of this regulation, and the care with which it is inserted into the ordinance, not as an ordinary act of legislation merely, but put, on account of its weight and consequence, above all future repeal or alteration by Congress alone, it is not a little remarkable, if Virginia owned the river, that this ordinance was reported by a member from Virginia, and came from a committee of five, of whom two were from that State, that, on its passage, the name of every member from Virginia is found recorded in favor of it, and, indeed, of the whole Congress, with one solitary dissenting vote from the State of New York. If, at that early day, it had been understood Virginia owned the whole river, that ordinance could not have passed with such extraordinary unanimity, much less with the entire vote of Virginia for it. I now leave the case, with a firm conviction that the claim now set up in behalf of Virginia cannot be maintained; that it is not for her interest it should be; that it would be of no benefit to her, and of much injury to Ohio, and with a like firm persuasion that this enlightened court will render a decision according to the law of the land, and such as shall best promote the peace, harmony, convenience and common welfare of the people of both communities.

BOUNDARY LINE BETWEEN OHIO AND INDIANA,
AND BETWEEN OHIO AND MICHIGAN.

SPECIAL REPORTS OF T. C. MENDENHALL, SUPERINTENDENT OF UNITED STATES COAST AND GEODETIC SURVEY, AND A. A. GRAHAM, SECRETARY OF THE OHIO HISTORICAL SOCIETY.

The Sixty-ninth General Assembly of Ohio authorized the Governor to cause an examination of the boundary lines between Ohio and Indiana and Ohio and Michigan to be made. It has for some time been known that these lines, as now existing, are incorrect, and that steps should be taken to have them definitely and accurately marked. In 1881 the States of Ohio and Pennsylvania, through a joint commission, caused their common boundary to be re-surveyed and marked by stone posts set at intervals of one mile, beginning at a large stone monument near the Lake Erie shore. The line is thus permanently and accurately fixed, and, hence, every division boundary of farm or village lots accurately located.

This should be done with the western and northern boundaries of Ohio. The annexed reports show in detail the laws relative to them; what has been done and what the investigation developed:

To His Excellency, JAMES E. CAMPBELL, Governor of Ohio:

SIR: Pursuant to your letter of authority and instructions under date of August 27, 1891, to "examine into the boundary line question now pending between the States of Ohio and Indiana and Ohio and Michigan, and to gather such material as may be found in relation to that matter, making it your especial object to obtain copies of original surveys, maps, plats, field-notes, etc.," I have to report as follows:

That it has been the intention of the Ohio Historical Society, of which I am Secretary, to publish a volume on not only the western and northern boundaries of Ohio, but also upon the southern boundary; one fraught with interest of a historical nature and which students of history and political economy desire to see in compact form. This being our intention, we had gathered all material that could be found, much of which is not needed in this connection, but which will be necessary in case the Society can carry out its intentions. This report confines itself to the western and northern boundaries.

A. A. GRAHAM.

THE WESTERN BOUNDARY.

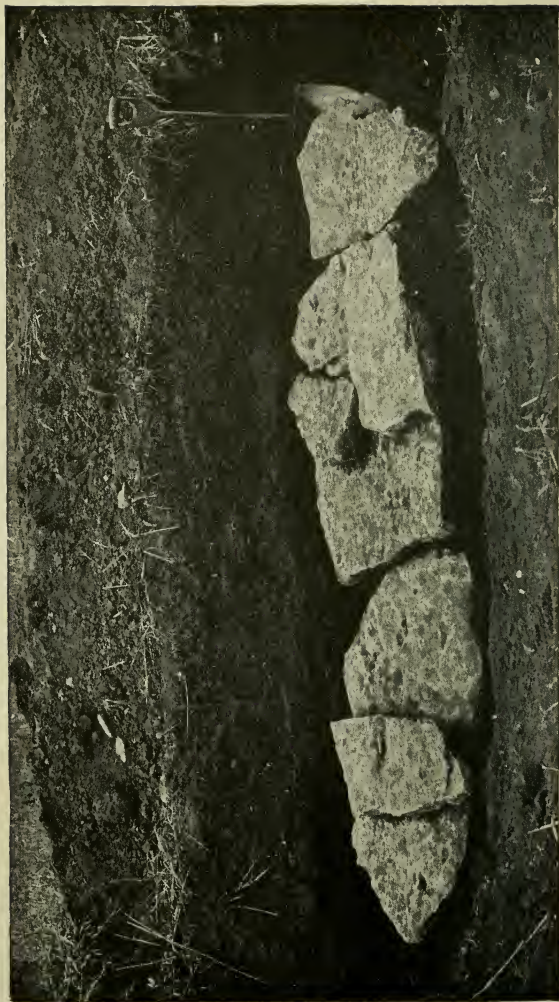
The earliest mention of the division of the territory northwest of the Ohio River appears in a resolution of the Continental Congress under date of October 10, 1780, which states:

"That the unappropriated lands that may be ceded to the United States, shall be formed into States, * * * * that each State shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near to as circumstances will admit." * * * *

On March 1, 1784, Virginia ceded to the United States her right to the territory northwest of the Ohio River, with the special condition that the territory so ceded should be laid out and formed into States of the extent mentioned in the resolution of Congress of October 10, 1780. On April 23, 1784, Congress passed a resolution declaring that—

"So much of the territory ceded by the individual States to the United States, as then had been, or should thereafter be purchased from the Indian inhabitants * * * * should be divided into distinct States as nearly as the cessions would admit of in the following manner: That is to say, by parallels of latitude, so that each State should comprehend from north to south, two degrees of latitude, beginning to count from the completion of the forty-fifth degree north of the equator, and meridians of longitude, one of which should pass through the lowest part of the rapids of the Ohio, and the other through the western cape of the mouth of the Great Kanawha; but the territory eastward of the last meridian, between the Ohio, Lake Erie and Pennsylvania, should be one State, whatever may be its comprehension of latitude—that which may be beyond the completion of the forty-fifth degree between the said meridians, shall make part of the State joining it on the south, and that of the Ohio which is between same meridians, coinciding nearly with the parallel of thirty-nine degrees, shall be substituted so far in lieu of that parallel as a boundary line."

By September, 1786, all the States claiming territory northwest of the Ohio River, had ceded their claims to the United States. The division of the territory into States came again



STONE GRAVE, OREGONIA. (UP RIVER FROM FT. ANCIENT.)

before Congress for consideration. It was decided that the formation of the territory into States, with boundaries specified in the resolutions of October 10, 1780, April 23, 1784, or the act of cession of Virginia of March 1, 1784, was impracticable. On the 7th of July, 1786, Congress passed a resolution asking from Virginia an alteration in her act of cession of March 1, and suggested it be more in accordance with the deed of cession made by that State December 20, 1784. This deed among other conditions, states that—

“Upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit, etc.

The preamble to the resolution of Congress of July 7 states that—

“WHEREAS, it appears from the knowledge already obtained of the tract of country lying north-west of the River Ohio, that the laying it out into States of the extent mentioned in the resolution of the 10th of October, 1780, and in the conditions contained in the deed of cession by Virginia, will be productive of many and great inconveniences. * * *

* * * In order, therefore, that the ends of Government may be attained, and that the States which shall be formed, may become speedy and sure accessions of strength to the confederacy : therefore,

“Resolved, That it be and is hereby recommended to the Legislature of Virginia to take into consideration their act of cession, and revise the same so as to empower the United States, in Congress assembled, to make such a division of the territory * * * * into distinct Republican States, not more than five nor less than three, as the situation of the country and future circumstances may require.” * * * *

On the 13th of July, 1787, Congress passed the “Ordinance of 1787” for the Government of the North-west Territory. This ordinance is in the nature of a compact between the original States and those that might be formed within the territory, irrevocable, save by the consent of both parties. It is therefore the constitution or fundamental law of the territory. Anticipating that Virginia would accede to the request made in the resolution of July 7, 1786, article 5, of the compact of the ordinance declares that—

"There shall be formed in the said territory, not less than three nor more than five States, and the boundaries of said States, as soon as Virginia shall alter her deed of cession and consent to the same, shall become fixed and established as follows, to-wit:

"The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post St. Vincent due north, to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi.

"The middle State shall be bounded by the said direct line, the Wabash from Post St. Vincent to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; *provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States *in* that part of said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." * * *

By the year 1800 the territory contained a sufficient number of inhabitants to justify a division for Government purposes, and on the 7th of May, Congress passed "Act to divide the territory of the United States, north-west of the River Ohio, into two separate Governments."

This act provided that "From and after the fourth day of July next, all that part of the said territory which lies to the westward of a line beginning at the Ohio, opposite the mouth of the Kentucky River, and running thence to Fort Recovery, and thence north till it shall intersect the territorial line between the United States and Canada, shall, for the purpose of temporary Government, constitute a separate Government, and be called Indiana Territory."

Section 5 of this act provided that "Whenever that part of the said territory which lies to the eastward of a line beginning at the mouth of the Great Miami River and running

due north to the territorial line, shall be erected into an independent State * * * * said line shall become and remain permanently the boundary line between such State and Indiana territory, any thing in this act to the contrary notwithstanding."

This civil division line simply followed the "Greenville Treaty Line" from the Ohio River north-easterly to Fort Recovery from whence it passed north to the Canadian line. It was never surveyed, at least no record of or reference to such a survey can be found. It was not intended to be permanent and in less than three years was superseded by the line established by the ordinance of 1787.

In October, 1798, Israel Ludlow, a deputy United States surveyor, began the survey of Congress (Government) lands north of the Ohio River, lying between the Greenville treaty line on the west, and the Symmes' purchase and the Virginia military district on the east, under the act of May 20th, 1795, under which act all Congress lands were then surveyed. Under this authority Mr. Ludlow and his assistants began their work October 11, 1798. The survey was continued, subject to many interruptions from Indian troubles, state of the weather, etc. (little, if any work being done in the winter). The township boundaries seem to have been completed about 1801, but it was several years before the subdivision could be made. The field notes of this survey, now preserved; note the first meridian; the western boundary of the eastern division of the north-west territory, the present western boundary of Ohio. This was used as a *base line*, and the township survey made east and west from it. The ranges were numbered east to the Great Miami River (Symmes' western boundary), and west to the Greenville Treaty line, which, will be noticed, is the civil division line already explained in this report. The subjoined field notes are those of Mr. Ludlow's survey and are herewith attached and made a part of this report:

COPY OF PART OF THE FIELD NOTES AND SURVEY OF THE STATE LINE
BETWEEN OHIO AND INDIANA FOR ABOUT SEVEN MILES
FROM STARTING POINT. LAND SURVEYS, 1798.

The Miami River is ten chains and fifty links wide, and the Ohio, twenty-seven chains wide.

Observed the variation of the magnetic needle to be at this place, $5^{\circ} 10'$ east.

FIELD NOTES OF STATE LINE, OCTOBER 11, 1798.

Chains. Links.

		Commenced surveying north on a meridian from a point at or near the center or middle of the mouth of the Great Miami River, from which point a cottonwood tree twenty inches in diameter bears N. 87° ; W. three chains distant, another cottonwood, ten inches in diameter, bears N. 58° , W. two chains and fifty links distant.
N.		
28	70	Rose the banks of the Miami on the east side.
71	73	Came to the Miami River, at which place it is four chains and fifty-eight links wide.
76	42	Crossed the main channel of the Miami River, on the west bank of which stands a cottonwood tree, eleven inches in diameter, marked agreeably to the plan.
N.		Started from the cottonwood on the west bank of the river.
16	59	A honey locust, thirty inches in diameter.
40	—	Another honey locust, three feet in diameter.
52	—	Over rich bottom land timbered with honey locust, inundated in high water. Came to a channel that in a common time the water runs with some degree of rapidity.
55	50	Crossed the above channel which at this time was nearly dry. Set a stake at the south-west corner of section No. 31, T. 1, R. 1, eastern district, and at the north-east corner of section No. 1, T. 5, R. 1, western district; a honey locust bears N. 9° , E., eighteen inches in diameter, twenty-three links distant; another honey locust, twenty-four inches in diameter, bears N. $58\frac{1}{2}^{\circ}$, W. 57 links distant, notched and marked by the plan, October 11, 1798.
N.		Thence north on a meridian.
11	15	A box elder tree eleven inches in diameter, a low rich bottom timbered principally with honey locust, soil of the richest quality.
29	26	A honey locust tree in the line.
40	—	A small improvement, about twenty acres of corn.
58	05	A forked honey locust tree twenty-four inches in diameter in the line.

Chains.	Links.	
77	50	Crossed a stream running north-east, another improvement and corn field on the east of the line.
80	—	A post, from which a black walnut tree sixteen inches in diameter bears N. 32° W., 20 links distant, and another black walnut tree fourteen inches in diameter, bears N. 54°, E. 84 links.
		Land along this mile level and of the richest quality, timbered thinly with locust, hackberry and black walnut. Three cabins with small improvements, 10 chains to the west.
N.		Commenced second mile north on the first meridian, from the south-west corner of the first township, of first range.
7	—	Rose a bank, high land, timbered with sugar tree, walnut and mulberry; the soil rich.
15	55	A cherry tree sixteen inches in diameter in the line.
29	—	Two cabins with small improvements, a stream to the west 200 links.
40	—	Another improvement and cabin.
44	05	A sugar tree inches in diameter in the line.
60	—	Two cabins and small improvements, a high hill rises 20 chains to the west; rich level land to the east.
80	—	A red elm post with three notches from which a sugar tree twelve inches in diameter bears N. 57°, W. 5 links; and a sugar tree of the same diameter bears N. 40°, E. 22 links. Notched and numbered trees of the corners of sections, agreeably to the plan.
N.		Saturday, 13th October. Commenced third mile. North from second mile post corner, section 19 and section 30 of first township and first range; rising small hill, much brush or underwood.
8	—	A sugar tree ten inches in diameter.
20	—	A water-course runs S. 20°, W.; rich land; timber, ash, elm and sugar tree — much underwood.
30	—	Rose a hill.
35	—	Begin to descend a hill.
41	50	A water-course runs east.
46	08	A blue ash tree twelve inches in diameter; rose a hill.
57	—	Crossed a water-course, runs east.
69	—	Rose a hill and begin to descend.
73	50	A water-course 10 links wide runs S. 80°, E. and begin to descend a hill.
80	—	A post from which a blue ash tree fifteen inches in diameter bears S. 57°, E. 20 links, and a white ash twenty inches in diameter bears N. 70½°, W., 6 links distant.

Chains. Links.

- N. Commenced fourth mile north from S. W. corner of first township of first R.
- 9 — A water-course runs east; and begin to ascend.
- 17 — Rose the hill and begin to descend.
- 23 69 A beech tree eighteen inches in diameter in the line, on the bank of a water-course, running east.
- 29 58 A sugar tree sixteen inches in diameter.
- 38 — A water-course runs east ten links wide and begin to ascend a hill.
- 43 25 Rose the hill to a white ash tree thirty inches in diameter and begin to descend.
- 50 — A water-course running S. E.
- 52 — A blue ash tree twenty inches in diameter in the line.
- 65 — Rose the hill and begin to descend.
- 71 — A water-course runs N. E.; hill rising W.
- 76 — A water-course runs east and begin to rise on the hill.
- 80 — A post from which a sugar tree twelve inches in diameter bears S. 32°; E. 43 links, and a white oak of same diameter bears N., 21°; E., 24 links. Along this mile is generally broken land, the soil rich, and proper for cultivation, thinly timbered with blue ash, locust and sugar tree—trees at the corners numbered according to the plan.
- N. Commenced fifth mile N. from S. W. corner of first township of first range.
- 5 — Rose a hill and begin to descend.
- 10 50 A spring branch.
- 13 58 A black walnut tree twenty inches in diameter, ascending.
- 20 — Arose the hill—timber, oak, ash and hickory; begin a descent.
- 30 — A water-course runs east.
- 35 81 A sycamore tree fifteen inches in diameter; a water-course runs S. E.
- 44 — A stream runs S. W.; begin to ascend side of a hill rising W.
- 51 — A sugar tree sixteen inches in diameter; hill rising W.
- 61 — A sugar tree twelve inches in diameter.
- 76 — Rose the hill; land of middling quality.
- 80 — A post from which a locust tree twelve inches in diameter bears S. 26°, E., 11 links distant, and an elm tree six inches in diameter bears N. 14°, E., 22 links distant.
- N. Commenced sixth mile N. from the S. W. corner of township No. 1 of the first range. On side of a hill rising W.
- 13 84 A blue ash tree twenty inches in diameter; the hill rising W.
- 32 — Begin to descend a hill; an easy descent.
- 48 39 A white ash tree six inches in diameter.

Chains	Links.	
58	—	A water-course running W.; thin land; timbered with oak and hickory.
74	—	A water-course running W.
80	—	Set a dog-wood post from which a white oak twenty inches in diameter bears N. 30°, E., 27 links distant, and a locust twelve inches in diameter bears S. 49½°, W., 14 links distant. Trees at the corners numbered according to the plan.

The field notes of that part of the State line, together with contiguous sections east and west thereof, which are copied into this book from pages one to fourteen, inclusive, are correctly copied from the original field notes on file in this office.

SAMUEL WILLIAMS,
Chief Clerk.

SURVEYOR-GENERAL'S OFFICE, CINCINNATI, *October 7, 1837.*

An examination of the foregoing notes and plat reveals no mention of a boundary line save in an incidental manner. The survey of the line *as a boundary line* was not part of Mr. Ludlow's work. By the year 1802 the population of the eastern division of the North-western Territory had increased to such an extent that application was made for admission into the Union as a State. April 30th, 1802, Congress passed an "Act to enable the people of the said Territory," to form a constitution and a State government. * * * The second section of this act provided that "The said State shall consist of all the territory included within the following boundaries, to-wit: On the east by the Pennsylvania line; on the south by the Ohio River to the mouth of the Great Miami River; on the west by the line drawn due north from the mouth of the Great Miami aforesaid." * *

It will be noticed that the act followed the ordinance of 1787 in fixing the boundaries of this State. The people of the eastern division of the Territory, through their regularly elected delegates, in November, 1802, met at Chillicothe, the capital of the Territory, and there formulated a constitution. The sixth section of the seventh article of this constitution of 1802 states that—

"The boundaries of this State * * * shall be * * * on the east by the Pennsylvania line, on the south by the Ohio River to the mouth of the Great Miami River; on the west by a line drawn due north from the mouth of the Great Miami River aforesaid." * * *

Soon after the organization of the Territory of Michigan, doubts arose as to the line between Ohio and Indiana Territory, and between Ohio and Michigan Territory. The lands south of the Greenville Treaty line were thrown open to settlement as fast as they could be surveyed, the surveys beginning as early as 1796; and in that part of the State west of the Virginia Military District and the Symmes' Purchase in 1798 has been noted in this report. This survey used the western boundary as a *base line* not as a *boundary line* as far north as this treaty line, a few miles south-west of Fort Recovery and eighty-nine miles north of the mouth of the Great Miami, and to this point the township boundaries were probably so surveyed as early as 1800 or 1802.

The General Assembly of Ohio, January 24, 1807, passed a resolution asking "That our Senators and Representatives in the Congress of the United States, be instructed and requested to use their influence to obtain the passage of a law to ascertain and define the northern boundary line of this State and fix the same agreeably to the provisions contained in the sixth section of the seventh article of our constitution."

At this time the establishment of the western boundary does not seem to be considered of so much importance and no reference is made to it, but on February 7, 1809, the desired legislation not having been secured, another resolution was passed stating—

"That great inconvenience has been, and is daily, occurring in consequence of the western and northern boundary of this State not being defined;"

"Therefore, be it, etc., etc., * * * * to have a commissioner appointed on the part of the United States, to act jointly with such commissioner as may be appointed on the part of this State to ascertain, run and mark the western and northern boundaries thereof."

The country north of the Greenville Treaty line was still unsettled and partly owned by Indians, who lived chiefly on reservations, hence it was not practicable for Congress to carry out the desires of Ohio. December 21, 1811, a third resolution was passed by the Ohio Legislature, reciting various facts; chiefly that this part of the State being opened to settlement by the ex-

tinguishment of the Indian title and that it was becoming more necessary that the "western and northern boundary lines be established."

On May 20, 1812, Congress passed an act requiring the surveyor-general, under the direction of the President of the United States, (as soon as the consent of the Indians can be obtained) to cause to be surveyed, marked and designated, so much of the western and northern boundaries of the State of Ohio, which have not already been ascertained, as divided said State from the Territories of Indiana and Michigan, agreeably to the boundaries established by an act entitled "An act * * * * passed April 30, 1802."

The war of 1812 and the consequent border troubles, as well as the unsettled condition of Indian affairs in the North-west Territory, precluded the carrying into effect the act of Congress for some time. August 9, 1816, one of the Ohio members of Congress called the attention of the commissioner of the general land office to the act and urged that some action be at once taken. On the 22d of the same month the commissioner, Josiah Meigs, addressed a letter of instructions to the surveyor-general, Edward Tiffin, stating that he had been directed by the president to authorize him to have Ohio's boundary line run and marked, and authorizing him to engage a faithful and skilled deputy to do the work.

The surveyor-general engaged William Harris, "an experienced, practical and skilled surveyor," under the following articles of agreement:

Articles of agreement indented, made and fully agreed upon, this 14th day of December, in the year of our Lord 1816, between Edward Tiffin, Surveyor-General of the United States, of the one part, and William Harris of the State of Indiana, of the other part: WITNESSETH, that the said William Harris, for and in consideration of the covenants, terms, provisions and conditions hereinafter expressed, and according to the true intent and meaning thereof, doth hereby covenant and agree with the said Edward Tiffin, in his capacity aforesaid, that he said William Harris, will faithfully lay out and survey, and mark in his own proper person, with the assistance only of such chainmen and axmen as may be necessary, being first duly sworn, agreeable to the laws of the United States and such instructions as he may receive from the surveyor-general, the

boundary line from Fort Recovery, due north, agreeable to the true meridian so far as that a line due east from the most southerly extreme of Lake Michigan will intersect it; also a line due east from such southerly extreme of Lake Michigan to Lake Erie, or the straits, etc., etc. And that he will also carefully and exactly ascertain by lunar observations the geographic position of the said southerly extreme of Lake Michigan; and also the position, in like manner, of the point where the said east line shall strike Lake Erie or the straits, etc.; and that he will make out three neat and accurate plats of said lines with their true description and copies of field notes and make return thereof as soon as he properly can, not to be exceeding six months from the date thereof.

And the said Edward Tiffin, in his capacity aforesaid, covenants and agrees that on the completion of the work aforesaid in manner aforesaid, there shall be paid to the said William Harris as a full compensation for the whole expense of surveying and marking the said lines, making his lunar observations and drawing off the plats and descriptions as aforesaid, five dollars for every mile, and part of a mile actually run and marked, random line and effects not included, provided no member of Congress have any part in this contract.

In testimony whereof, the parties to this indenture have hereunto set their hands and seals, the day and year first above written.

EDWARD TIFFIN. [SEAL]

WILLIAM HARRIS. [SEAL]

Signed, sealed and acknowledged before us:

A. BOMNE,

SAMUEL WILLIAMS.

The attached letter and outline plat of Mr. Harris, dated September 8, 1817, seems to be a preliminary report, which he completes in detail, as relates the western boundary, later—the same year. The letter and outline plat are herewith attached and make part of this report.

CINCINNATI, *September 8, 1817.*

DEAR SIR: You will find inclosed a sketch of the State line, which, I believe, is laid tolerably correct. A complete return I shall not be able to make for some time in consequence of having part of my work to correct. It appears, by what observations I have been able to make, that the variation of the compass decreases in going north nearly in the same proportion as in going east. The west boundary of the State of Ohio was run (the fore part of last June) when it rained and was cloudy weather for nearly three weeks, in consequence of which I was not able to make the necessary allowances, and shall have the line to run over again. After I left Chillicothe last winter I fell in company with a gentleman from Detroit, who appeared to be well acquainted with the country which the State line

passes through. He informed me that it would be impracticable to run the line in the spring of the year on account of the great number of swamps which I would have to pass through. In consequence of this information, I delayed the business much longer than I would have done. By actual experiment I found the country almost impassible for horses at any season of the year. By means of an Indian guide I was able to send my horses around the swamps; twice they were absent from us between two and three days. I am in hopes that the delay in running the line will be no inconvenience to the United States; to individuals I am sure it will not be, for neither line interferes with any settlement. I shall complete my work as soon as my health will admit. I have had a slight touch of the fever and a very bad cold since I left the woods, and have been much afflicted with rheumatism for six or seven weeks past. I am now getting much better and am in hopes will be able to return to the woods in a few days.

I am, with the greatest respect, your most obedient,

WILLIAM HARRIS.

MR. EDWARD TIFFIN, *Surveyor General*.

In 1816 the Territory of Indiana applied for admission into the Union, and on April 19, 1816, Congress passed an act to "Enable the people of the Indiana Territory to form a Constitution and a State Government, etc." That part of section two relating to the eastern boundary is as follows:

"And be it further enacted, that the said State shall consist of all the territory included within the following boundaries, to-wit: Bounded on the east by the meridian line which forms the western boundary of the State of Ohio. * * *

"Provided, that the convention hereafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall remain as now prescribed by the ordinance for the government of the territory north-west of the River Ohio."

Under this act a constitutional convention met at Corydon, the territorial capital, and formulated a constitution. On the question of the eastern boundary section seventeen, of article seventeen, reads:

"In order that the boundaries of the State of Indiana may more certainly be known and established, it is hereby ordained and declared that the following shall be, and forever remain, the boundaries of the said State, to-wit: Bounded on the east by

the meridian line which forms the western boundary of the State of Ohio." * * *

In 1851 a new constitution (the present one) was adopted. Section 221, of article 14, relates to the boundaries of the State, and is as follows:

"In order that the boundaries of the State may be known and established it is hereby ordained and declared that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio." * * *

Nothing further appears regarding the western boundary until 1835 or 1836, when doubts arose concerning the point on the Ohio River at which the boundary between Ohio and Indiana began. Commissioners were appointed on the part of each State to examine into and mark this point, and also to examine the boundary line a short distance north.

On the 28th day of February, 1837, Mr. Hughes, from the select committee on that subject, reported the following preamble and resolutions, which were read and laid upon the table, to-wit:

"The select committee, to which was referred the communication of the Governor on the subject of a boundary line between the States of Ohio and Indiana, have had the same under consideration and report the following preamble and resolutions:

"WHEREAS, There exists, at this time, doubts respecting the point on the Ohio River at which the line between the States of Ohio and Indiana commences, and as difference of opinion exists between the citizens of the two States as regards their true boundaries; and

"WHEREAS, By joint resolution, the General Assembly of the State of Indiana has authorized the Executive of said State to appoint a surveyor and commissioner, on the part of the said State, to act in conjunction with a similar commissioner on the part of the State of Ohio; therefore,

"On December 31, Mr. Harris received instructions how to run the line between Ohio and Indiana, where not surveyed, and between Ohio and Michigan. Mr. Harris completed his work on both boundary lines in 1817. That part between Ohio and Indiana began on the south at the intersection of the western line running north from the mouth of the Great Miami, with the Greenville Treaty line, eighty-nine miles from the mouth of the Miami. The attached plat is from a copy of Mr. Harris' survey, now on file in the State Auditor's office. It will be noticed it starts on the Greenville Treaty line, south of which was surveyed by the land surveys under the act.

of 1796. Mr. Harris' letter accompanying the plat seems to indicate a survey of the entire line, but the plats are for that portion indicated.

"Resolved, by the General Assembly of the State of Ohio, That the Governor be, and he hereby is, authorized to appoint one commissioner on the part of the State of Ohio, who, in conjunction with one appointed by the Governor of Indiana, shall meet at the town of Lawrenceburg, in the State of Indiana, at such time as may be appointed by the Executive of Ohio, who, after having taken an oath, faithfully and impartially to discharge the duties required of them, as set forth in the resolution of the General Assembly of the State of Indiana, and the aforesaid commissioners and surveyor shall make out three certified copies of the survey, made and directed, one copy of which shall be deposited with the Secretary of State, of the State of Ohio, and one copy with the Surveyor-General of the United States, at Cincinnati; and the commissioner on the part of the State of Ohio, shall be entitled to receive the sum of three dollars per day, for each day whilst employed in the discharge of the duties required of him, and three dollars for each twenty-five miles in going to, and returning from, the said line; and the surveyor shall be entitled to receive two dollars per day as half of his compensation, and the Governor of the State of Ohio is hereby authorized to pay the same out of the contingent fund.

"Resolved, That the Governor of the State of Ohio be directed to transmit a copy of these resolutions to the Governor of the State of Indiana, and likewise inform his Excellency of the time of meeting of the said commissioners."

Under authority of the foregoing resolution, Joseph Vance, Governor of Ohio, appointed M. T. Williams to represent Ohio; the Governor of Indiana appointed John A. Watson. These commissioners met at Lawrenceburg, Indiana, in November, 1837, and appointed Nathaniel L. Squibb, surveyor, to ascertain and designate the true starting point of the boundary line on the Ohio. After completing his work he made the following report to the commissioners, and marked on the report as "Exhibit B."

To Mr. M. T. Williams, of Ohio, and Mr. John A. Watson, of Indiana, commissioners appointed to establish the line between the States of Ohio and Indiana, and place monuments on the same near the mouth of the Great Miami River:

I, Nathaniel L. Squibb, being employed as surveyor by the above-named gentlemen, do hereby certify, that in obedience to their orders, after being duly sworn, I proceeded to examine several miles of the State line in the timbered land, where the section corners could be found by the field notes, to determine the general bearing of said line; that after satisfying myself with regard to the general course or variation allowed on said line, I com-

menced at the N. E. corner of section 25, and the S. E. corner of section 24, T. 6, R. 1, W., which point is also the corner of sections 19 and 30 in the State of Ohio, and ran a due south course (allowing a variation of $4^{\circ} 40' E.$) to the north bank of the Ohio River in the following manner, to-wit.

Chains. Links.

70	40	Beginning at the point above mentioned and running south 70 chains, 40 links, to a stake in the tow-path bank of the White Water canal, from which the N. corner of I. Hayes' stone chimney bears S. $82^{\circ} W.$, 1 chain, 42 links distant.
79	24	And a stake in the line bears N. 2 chains, 94 links, to a stone supposed to be the S. E. corner of section 25, and the
77	75	N. E. corner of section 36, T. 6, R. 1, W., thence to a honey locust twenty-two inches in diameter, to a stake
79	50	on the top of the bank at the island gut, supposed to be the S. E. corner of section 36, T. 6, R. 1, W.
5	—	To a soft maple thirty-six inches in diameter.
51	12	To a cotton-wood eighteen inches in diameter.
55	50	To a stake on the N. bank of the Miami River, from which a cotton-wood ten inches in diameter bears N. $78^{\circ} E.$, 40 links distant, and a cotton-wood bears S. $78^{\circ} W.$, 71 links distant.
62	37	To a sycamore eighteen inches in diameter on the S. bank of the Miami.
80	—	To a mile stake in the line.
11	87	To a stake on the N. bank of the Miami.
31	56	To a cotton-wood on the S. bank of the Miami.
46	56	To a stake on the N. bank of the Ohio River below the mouth of the Great Miami, from which a cotton-wood fifteen inches in diameter bears N. $17^{\circ} W.$, 66 links distant, and a cotton-wood twenty-two inches in diameter bears S. $25\frac{1}{2}^{\circ} W.$, 1 chain, 22 links, and a cotton-wood fifteen inches in diameter bears S. $89^{\circ} W.$, 40 links distant.

NATHANIEL L. SQUIBB, *Surveyor*.

HARTFORD, DEARBORN COUNTY, IND., November, 1837.

To this report Mr. Squibb makes the following affidavit marked "A."

State of Ohio, Hamilton County:

On the 21st of November, A. D., 1837, personally appeared before the undersigned, a Justice of the Peace, of the county and State aforesaid, Nathaniel L. Squibb, appointed surveyer of the boundary line between the States of Ohio and Indiana, from the mouth of the Great Miami River to

the point where the road from Lawrenceburgh to Elizabethtown crosses to said State line, under joint resolutions of said States, heretofore passed, who, being first duly sworn, on his oath says that he truly, faithfully and impartially discharged his duties as such surveyor, and correctly report his proceedings to the best of his knowledge and ability.

Sworn to and subscribed this 21st day of November, A. D., 1837.

NATHANIEL L. SQUIBB.

SAM'L. W. HENRY [SEAL.]

Justice of the Peace.

The report of the commissioners is as follows:

To His Excellency, JOSEPH VANCE, Governor of the State of Ohio:

The undersigned commissioners appointed under the joint resolutions of the Legislatures of the States of Ohio and Indiana, to survey the boundary line between said States at the mouth of the Great Miami River, respectfully report—

That on the 21st day of November, A. D., 1837, they entered upon the discharge of their duties, by convening at Lawrenceburgh and appointing Nathaniel L. Squibb, surveyor, who was sworn agreeable to the provisions of the joint resolutions, as will appear by affidavit herewith filed, marked "A." Your commissioners further report that they, with the said Nathaniel L. Squibb, assisted by Joseph Gest, Surveyor of the city of Cincinnati, on the said 21st day of November, A. D., 1837, commenced the survey of said line, and on the — day of said month and year, completed the survey of said line and marked the same as originally surveyed by Israel Ludlow, Deputy Surveyor of the United States, in October, 1798, as will more fully appear by the report of N. L. Squibb, herewith filed and marked "B."

And your commissioners further report that in fixing said line, they located it to correspond as nearly as possible and as could be ascertained with the field notes of the said survey of Israel Ludlow, made in 1798, a copy of which will be found in document marked "C", as also a map of the State line and the sectional surveys east and west. These we consider valuable documents to be filed and preserved by the States, and for these, as well as for other practical information furnished us in the discharge of our duties, we are indebted to Samuel Williams, Chief Clerk in the office of the Surveyor-General, at Cincinnati.

Your commissioners further report that on the 27th day of November, A. D., 1838, they erected on said line at the points named in the report of Mr. Squibb, above referred to and marked "B," two monuments of solid freestone, nine feet in length, each resting three feet below the surface of the ground on a square block of freestone, embedded in a cubic yard of broken stone to protect them from the action of the frost. The monuments each weighed about five thousand pounds and it is believed will be impervious to the action of the frost and very durable. For the shape,

plan and inscription of the monuments, reference may be had to paper marked "D."

Your commissioners further show that they were qualified agreeably to the resolutions of the States as will appear by affidavit filed and marked "E."

Your commissioners further report that in the survey and erection of monuments as aforesaid, they have expended, exclusive of their services as commissioners, the sum of \$—, as will appear by vouchers Nos. 1, 2, 3, etc.

M. T. WILLIAMS,

Commissioner on the part of Ohio.

JOHN A. WATSON,

Commissioner on the part of Indiana.

One of the stone monuments referred to in the foregoing report was placed on the west bank of the Miami River, at its junction with the Ohio; the other on the right bank of the canal where it crosses the State line. The paper marked "D" in the report is not on file in the Auditor's office, and can not now be found.

This last survey and report completes all that has been done by the State regarding Ohio's western boundary. Recapitulating, it shows that the first survey of this line was made in 1798, in connection with the land surveys, when the line (meridian) was considered as a *base* line of the survey, and not as a *boundary* line between the two respective States. Then in 1817, under authority of Congress, as a *division* line was surveyed by William Harris, under the direction of Edward Tiffin, Surveyor-General. It is not clear that he surveyed all the line, but only that part north of the Greenville Treaty line, beginning at a point eighty-nine miles north of the mouth of the Great Miami River. This seems more evident when we see that in 1837 a Commission is appointed to ascertain the proper point on the Ohio, at the mouth of the Great Miami, where this line should begin. This Commission, employing a competent surveyor, fixes the point on the west bank of the Miami by erecting a stone, suitably inscribed; and, also, a second one only a few miles further north on the same line. This being done no further effort is made to ascertain and accurately mark this boundary. It is time now that it should be done. In 1881, a joint Commission, on the part of Pennsylvania and Ohio, began such a work on the

boundary between those States, completing it in 1883. Its report is herewith appended. It is complete. Appropriate stone monuments at certain intervals on the line, securely and appropriately mark the line. The line was not changed but fixed beyond dispute, and those who own land in either State know to a certainty in which commonwealth their possessions lie. This should be done on the western boundary and thereby settle the question.

The 69th General Assembly of Ohio took steps at the adjourned session in 1891 to have the western and northern boundary lines examined and the errors, if any existed, noted. To this end the Governor was authorized by resolution "to obtain the United States Coast and Geodetic Survey to accurately ascertain and mark the boundary lines between the states Ohio and Indiana, and Ohio and Michigan * * * * *"

Prof. T. C. Mendenhall, Superintendent of the U. S. Coast and Geodetic Survey upon request of the Governor, sent two assistants in the summer of 1891 to the line. His report, as well as those of the assistants, is here appended.

U. S. COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
WASHINGTON, D. C., *November 27th*, 1891.

HON. JAS. E. CAMPBELL, *Governor of Ohio*:

DEAR SIR: I have the honor to transmit herewith the reports of Cephas H. Sinclair, Assistant, and George R. Putnam, Aid, U. S. Coast and Geodetic Survey, relating to recent determination of the longitude of three points on the boundary line, as accepted at present, between the states of Ohio and Indiana.

On being requested by you to determine whether or not this line was seriously in error, it was decided that the question could be most readily and cheaply answered by telegraph longitude determinations at three points on or near the line. The line is defined as a meridian passing through the mouth of the Big Miami River, and therefore if correctly run the longitude of all its points must be the same. To re-run the line would have involved a large expenditure of time and money, and it was, evidently, not worth while to undertake this until the magnitude of the error, if any existed, should be determined.

The determination of the longitude of three points, one near each extremity of the line and one near its middle point, would not require more than a few weeks, nor cost more than a few hundred dollars and the

accuracy of the method is sufficient for a preliminary examination of this character.

By exchanging signals on three nights, but without exchange of observers for elimination of personal equation, it was estimated that the error in the determination of the position of a point would not be greater than 300 feet.

An examination of the reports herewith submitted will show that the error is probably considerably smaller than this.

It was necessary in this case to fix the astronomical station at some town or village in which telegraph connection with St. Louis, the base station, was available and which was as near the supposed boundary line as possible. The following points were therefore chosen after a careful examination by Mr. Putnam of the facilities offered by several proposed stations at the northern end of the line: Elizabethtown, Ohio, Union City, Indiana and Butler, Indiana.

While in none of these was the observing station exactly on the line, in all it was so near that the error arising from the connection, which was carefully made in all cases, must be insensible.

The initial monument at the mouth of the Miami River is not now visible, but that next north of it was found and is assumed to represent the initial point in longitude.

The result of the investigation is that the assumed boundary line is about one mile too far to the east at Butler, Indiana, and about three-quarters of a mile too far in the same direction at Union City. It is also clear that it is a zigzag line, now deflecting toward the east and again to the west, the probability being that on the whole it is too far to the east.

The condition of the line, as ascertained by Messrs. Sinclair and Putnam, shows that whatever may be done in reference to the location of the line, it is imperative that early attention should be given to its better marking. Only a single State monument was found by these gentlemen, and it is evident that in many places the location of the boundary depends as much on tradition as any thing else. Among some of the older States the failure to properly establish and mark boundary lines has given rise to vexatious dispute and irritation on both sides; leading often to actual conflict, and nearly every generation has its turn at this. Ohio and Indiana should seek an early settlement of this question through the establishment of a joint commission, empowered to establish and mark with suitable and permanent monuments the line separating these two great States.

I would respectfully urge, therefore, that this matter be brought to the attention of the next General Assembly and that such a course be recommended for their consideration.

I am yours, faithfully,

T. C. MENDENHALL, *Superintendent.*

U. S. COAST AND GEODETIC SURVEY,
WASHINGTON, D. C., *November. 5, 1891.*

DR. T. C. MENDENHALL, *Superintendent*
U. S. Coast and Geodetic Survey, Washington D. C.

SIR: I have the honor of submitting to you the following report on the determination of the difference of longitude of St. Louis, Mo., and three points on the Ohio and Indiana boundary, for the purpose of ascertaining the deviation of that boundary, which was intended to be a true north and south line, from a true meridian. This method of procedure is based on the well-known fact that the longitude of all points on a true meridian line is the same.

In compliance with instructions dated October 2, I went to Holton, Indiana, and conferred with Assistant Mosman in regard to boundary monuments and marks near the south end of the line, which he had examined. He informed me that the initial stone of the survey, set near the mouth of the Big Miami River to mark the south end of the line, was covered with deposits from the overflow of the river, but that at sometime between 1855 and 1860 it was unearthed by railroad engineers after digging ten or fifteen feet below the surface of the ground. Since then it has been lost to sight, and may now be under many feet of detritus, or washed out entirely by changes in the stream.

On the pike leading to Lawrenceburg, nearly a mile south-west of Elizabethtown, Ohio, at the State line crossing, is a large, round stone, two feet in diameter at the base and fully eight feet above ground, tapering to about fourteen inches in diameter near the top, which terminates in a conical cap, the entire monument being one stone. It was so covered with hand-bills that all of the inscription was not laid bare, but the date, 1837, was exposed.

With the exception of this stone I did not hear of any authentic boundary marks other than section corners and posts set on the railroads to mark the State line, which are of comparatively recent date, but were sufficient for the purpose of making the examination desired.

The large monument referred to, was selected as the initial station for the longitude work, as the probability is that it can not be out of position materially, since it is within two and a quarter miles of the south end of the line.

It was necessary to locate the longitude station at Elizabethtown in order to be near a telegraph station, but connection was made with the line monument by means of a theodolite and two measurements with a thirty metre steele tape.

Interchanges of longitude signals were made with Mr. G. R. Putnam at St. Louis, who co-operated with me in this work on October 14, 16 and 17. No exchange of observers was made on any of the lines, but the personal

equation derived from five primary lines during the last season was applied to each result.

Latitude was determined with zenith telescope No. 6, by seventy-four observations on twenty-one pairs of stars during four nights.

Two meridian stones were placed in Wayne St. 130.65 metres apart, and the astronomical station was referred to the Presbyterian Church, Methodist Church, and to the cupola of the public school.

The next station selected was Union City, which lies in both States. The boundary is shown here by the State line pike and a prominent post at the railroad crossing, but with the exception of section corners, there are no other marks near.

A convenient location was found for the station near the depot telegraph office and boundary post on the railroad, and signals were interchanged with St. Louis, October 22, 24 and 25.

Latitude was determined by fifty-two observations on sixteen pairs of stars during four nights, with zenith telescope No. 6.

The astronomical station was referred to the State line post on the railroad, to the cupola of the public school erected in 1891, to the M. E. Church and the Disciples Church.

While at Union City, I transferred the meridian to the State line road by means of the theodolite. A point was assumed as the center of the road by looking south several miles along the road; the theodolite was set over this point and directed as nearly as could be by the eye along the center of the road, and it was found to deviate nearly $1\frac{1}{4}^{\circ}$ to the east of north. This deviation may be in error five or ten minutes, owing to the uncertainty in locating the center line of the road.

The third station was selected at Butler, DeKalb county, Indiana, after an examination had been made by Mr. Putnam of all the telegraph stations near the State line from the north end as far south as the crossing of the Nickel Plate R. R., abreast of Ft. Wayne, Ind.

Although Butler is 3.7 miles west of the boundary, connection was easily made with two posts near the railway crossing, by measurements with a steel tape along the L. S. & M. S. R. R., which runs straight for more than three and one-third miles.

The station was located on grounds of the L. S. & M. S. R. R. about eighty metres north, and a little west of the passenger depot, for convenience to the telegraph office.

Longitude signals were exchanged with St. Louis, October 28, 29 and 31. Latitude was determined by fifty-four observations on eighteen pairs of stars. The astronomical station was referred to the Lutheran, Disciples, Methodist and Winebrennerian churches; connection was made with two boundary posts near the railroad crossing, by two measurements, with a thirty-metre steel tape. The following table shows the results of three determinations of longitude, and the deviation of the State line to the eastward of the south station:

Boundary Station.	Longitude—			Deviation E. of the S. Station.			
	E. of St. Louis.		W. of Green-wich.	Seconds.	Metres.	Feet.	Mile.
	<i>M.</i>	<i>S.</i>	<i>H. M. S.</i>				
Near Elizabethtown..	21	32.388	5 39 16.775	....	....	....	.....
Union City	21	35.669	5 39 13.491	3 281	1,164	3,819	0.723 $\frac{3}{4}$ nearly
Near Butler.....	21	3.6724	5 39 12.439	1.336	1,510	4,954	0.938 $\frac{1}{6}$ "

While at Union City, I was informed that the line turned towards the west a few miles north of that point. It is evident that the line is an irregular one, sometimes bending east, then curving west, as would probably be the case with any of the meridians traced out by the needle many years ago.

That the deviation towards the east is not uniform, is shown by the amount the line differs at Union City and at Butler from the south station. In a distance of $1^{\circ} 03'$ along the meridian, the deviation to the east is 1,164 metres (3,819 feet), while in a distance of $2^{\circ} 17'$ it only amounts to 1,510 metres (4,954 feet), or a little over 1,000 feet more. If the deviation was regular, it would have been 2.17 times as great, or 2,526 metres (8,287 feet) over one and one-half miles.

Moreover, the deviation of the State line road, at Union City, of one and one-fourth east of north, if constant from the south station, would be, at Union City, about 8,300 feet, or over one and one-half miles, and at Butler about 18,000 feet, nearly three and one-half miles.

These facts point to the irregular character of the boundary.

The examination proves that while the line is not a true meridian, it is not in error ten or twelve miles as is supposed by many.

Should the line be traced out as a true meridian from the south end, it would probably cut from Indiana a strip of territory amounting to nearly 100 square miles in area.

Mr. C. Y. Dixon was associated with me as recorder, and rendered efficient service.

The field work was completed on October 31, and by November 3 all the members of the party were in Washington.

Fortunately, the weather was quite favorable for field operations, so that the entire time consumed from the date Mr. Putnam began his examinations of telegraph stations and boundary marks at the northern end of the line, until the parties reached Washington, was less than a month.

Our work was very much facilitated by the promptness of the Western

Union Telegraph officials in connecting our astronomical stations with their wires, and making up the circuits for the interchange of longitude signals.

My thanks are due the citizens of Union City for their assistance in the preparation of the astronomical station.

Yours, respectfully,

(Signed)

C. H. SINCLAIR, *Assistant.*

U. S. COAST AND GEODETIC SURVEY,
WASHINGTON, D. C., Nov. 6th, 1891.

DR. T. C. MENDENHALL, *Superintendent*
United States Coast and Geodetic Survey:

SIR: I herewith submit report of observations made at St. Louis, Mo., for the purpose of determining the longitude of three stations on or near the Ohio-Indiana boundary line, in co-operation with Assistant C. H. Sinclair. I have already reported the result of an examination of the northern portion of the boundary line. On completion of this examination I went to St. Louis, reaching there the morning of October 10. On account of delay in receiving instruments and preparing them for use, it was impossible to commence observations before October 13. Observations were completed October 31, signals having been exchanged on nine nights; five nights were lost on account of time required to change stations, four nights on account of bad weather at one or both stations, and one night on account of mistake of operator. At St. Louis there was but one night that was too cloudy for time observations, though on several occasions the very smoky condition of the atmosphere was quite unfavorable to good work. Latitude observations were made on several nights simply for practice.

Prof. Pritchett kindly offered all the facilities of the Washington University Observatory, and the east pier in the transit room was occupied. This pier is 53.5 inches or 0.004 seconds of the time east of the west pier, or C. and G. S. station of 1881. No observations were made for personal equation, but the value derived from five lines (exchange of observers) in 1891 was used.

The following table gives simply the results obtained; as these results will be discussed by Mr. Sinclair in his report no further comment is made here:

		West of Greenwich.	
		H. M.	S.
Longitude, St. Louis, Mo., (Transit 1881).....	6	00	49.163
" State Line Monument, Elizabethtown, O....	5	39	16.775
" " " Post, Union City, Ind.....	5	39	13.504
" " " " Butler, Ind.....	5	39	12.448

DIFFERENCES OF LONGITUDE—ST. LOUIS, MO., WEST STATION.

OBSERVERS: C. H. SINCLAIR, at Boundary Stations, G. R. PUTNAM, at St. Louis, per. equation $S-P = +.176$.

Boundary Station.	Date.	Difference of Longitude Uncorrected.		Residuals.	Time of Transit.	Correction for per Equation.	Reduction W. Per. St. Louis.	Reduction Ohio-Ind. Boundary.	Difference of Longitude.	
		M.	S.	S.	S.	S.	S.	S.	M.	S.
ELIZABETHTOWN, OHIO. 1222.68 Metres East of Boundary.	October 14	21	35.678	— .076	.011	.....	.....	.....	.....	.....
	" 16		.594	+ .008	.022	.....	.....	.....	.....	.....
	" 17		.534	+ .068	.029	.....	.....	.....	.....	.....
	.....	21	35.602	.....	.....	+ .176	+ .004	— 3.394	21	32.388
UNION CITY, INDIANA. 18.8 Metres West of Boundary.	October 22	21	35.312	+ .001	.010	.....	.....	.....	.....	.....
	" 24		.339	— .026	.038	.....	.....	.....	.....	.....
	" 25		.289	+ .021	.056	.....	.....	.....	.....	.....
	.....	21	35.313	.....	.....	+ .176	+ .004	+ .166	21	35.659
BUTLER, INDIANA. 5048.19 Metres West of Boundary.	October 28	21	19.532	— .064	.042	.....	.....	.....	.....	.....
	" 29		.515	— .047	.057	.....	.....	.....	.....	.....
	" 31		.357	+ .111	.012	.....	.....	.....	.....	.....
	.....	21	19.468	.....	.....	+ .176	+ .004	+ 17.077	21	36.725

Very respectfully,

[Signed]

G. R. PUTNAM, *Aid.*

THE NORTHERN BOUNDARY.

The sessions of Virginia and the ordinance of 1787 not only defined the eastern and western boundaries of the three States to be first formed in the north-west territory, but also provided for the boundaries of two additional States, should Congress decide upon their formation in the northern part of the territory. Article 5 of the ordinance of 1787 provided for this division in the following language:

* * * "*Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject to be so far altered, that if Congress shall hereafter find it expedient they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." * * *

April 30, 1802, the Congress of the United States passed an act "to enable the people of the eastern division of the territory (east of a line drawn due north of the mouth of the Great Miami River, already cited in this report) to form a Constitution and a State Government." Section 2 of this act defines the boundaries of the State; the north boundary in these words:

* * * "And on the north by an east and west line drawn through the southern extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami River, until it shall intersect Lake Erie or the territorial line; thence with the same, through Lake Erie to the Pennsylvania line aforesaid." * * *

The Convention elected to frame the Constitution for the State, under the act of April 30, met at Chillicothe in November, 1802. The 6th section of the 7th article of that Constitution defined the boundaries of the State; the northern boundary as follows:

* * * "And on the north by an east and west line drawn through the southern extreme of Lake Michigan, running due east after intersecting the due north line aforesaid from the mouth of the Great Miami until it shall intersect Lake Erie or the territorial line; and thence with the same through Lake

Erie to the Pennsylvania line aforesaid; *provided, always*, and it is hereby fully understood and declared by this Convention that, if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said lake east of the mouth of the Miami of the Lake, then and in that case, with the assent of the Congress of the United States, the northern boundary of this State shall be established by, and extend to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River aforesaid; thence northeast to the territorial line and by the said territorial line to the Pennsylvania line."

This Constitution was soon after sent to Congress, where it was referred to the proper committee. When the clause relative to the northern boundary was considered it was decided that "the proviso contained in the 6th section of the 7th article of the Constitution of the State of Ohio, depending on a fact not yet ascertained, and not being submitted in the shape of other propositions from the Convention to Congress, the committee have thought it unnecessary to take it, at this time, into consideration."

The act of April 30, 1802, did not authorize any boundary save that designated in the ordinance of 1787. The maps of that period gave the location of Lake Michigan other than its true position, hence no one contemplated that an error might place the boundary line, if made strictly in accordance with the ordinance of 1787, or the act of 1802, further south than was intended in the ordinance. Mitchell's map, then considered good authority, located the northern boundary line so that its eastern extremity passed above Lake Erie altogether and struck the Detroit River immediately above the upper extremity of the lake. That such would be the north boundary of Ohio was unquestionably the intention of Congress at the time. Lewis' map of the United States, published as late as 1815; Vance's map, published in 1818, and many other maps, of an earlier or later period, show the northern boundary of Ohio to be this line. When the Convention met in Chillicothe, such was the prevalent opinion. While

the Convention was in session, some one doubted the accuracy of the maps, and the question arose as to what point on Lake Erie a direct line east from the southern extremity of Lake Michigan would touch. It is also said that while this subject was under discussion information was received through a trapper, or Indian trader, that Lake Michigan extended much further south than was commonly supposed, and as delineated on the maps of the period. The Maumee River and its outlet into Lake Erie was considered as of vital importance. At that time rivers were the highways of commerce, and their outlets, especially into the lakes or ocean, looked upon as valuable sites for centers of trade. The Maumee River, while not navigable for boats of a heavy burden, was, above and below the rapids, well adapted to boats of light pattern, especially flat-boats and pirogues of commerce, the freight trains of that day. The river also drained a very important extent of country, and at its head stood the old and well-established trading post of Fort Wayne. The subject was of too much interest to be overlooked. Considering the evident intent of the ordinance of 1787 and also that of Congress, from its knowledge of the country and the desirability of the outlet of the Maumee River, the Convention adopted this proviso, contained in the 6th article, stipulating, "*with the assent of Congress,*" that the boundary should be the line terminating on the north cape of the Maumee Bay. Another question had no little influence in securing this action. It was argued by some of the delegates that if the southern extremity of Lake Michigan was as far south as claimed by those who denied the accuracy of the maps, a direct line east to Lake Erie would fall so far south of that body of water that it would not intersect the northern territorial line in the lake and that there was a possibility that it might not touch the lake at all; also, that if it did, it would be at a point so far south that if the line continued eastward to the Pennsylvania line it would cross the northeastern part of the proposed State (Ohio) and there cut off a part of the State, leaving it without any jurisdiction or belonging to the territory north of Ohio. Obviously, it was argued with good reason, no such probabilities as the foregoing were contemplated by Congress when adopting the ordinance of 1787, nor the act of

April 30, 1802. Arguing from all these tenable points, the Convention considered itself justified in the insertion of the 6th section of the 7th article of the State Constitution. The Constitution was presented to Congress in December and referred to the proper committee. This committee decided, as has been noted, that this section not being presented separately and its decision being based upon a fact not yet known, they were not called upon to adopt any report on that point.

Political influences had much to do with the creation and admission of Ohio into the Union. Without stopping to discuss these it is only sufficient to say that in place of the usual resolution to admit the State, Congress passed on February 19, 1803, "An act to extend the laws of the United States over the State of Ohio." The preamble of this resolution recites, "That the State of Ohio had formed a Constitution and State Government, and that thereby became one of the United States of America."

The passage of this act accepted the Constitution as adopted by the Convention, and hence Ohio's claim to her northern boundary lies—

First—In the evident intent of the ordinance of 1787, and by the act of 1802, and

Second—*The acceptance of its Constitution by the General Government.*

That part of the north-west territory lying north of the Ohio boundary was attached to Indiana territory, which comprised all the territory west of Ohio to the Mississippi River. Its seat of Government was Vincennes, on the Wabash River. The distance from Detroit and other remote settlements in this part of the territory to Vincennes, made exceedingly inconvenient and difficult the transaction of public business. January 11, 1805, Congress passed an act organizing Michigan territory out of "All that part of the Indiana territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States."

It will be seen that this act fixes the southern boundary of

the Michigan territory on the division line established by the ordinance of 1787, and hence gave to the territory that part of the State of Ohio lying north of this same line, and accepted by Congress as part of Ohio. This conflict of territory does not seem to have been noticed by Congress nor by any one. The country was then unsettled and held principally by the Indian tribes. In 1807 the Ohio Legislature passed a resolution reciting the fact that "the northern boundary line of the State is uncertain, and has never been ascertained, and as it is generally believed that an east and west line drawn through the southern extreme of Lake Michigan, running east * * * * will not intersect Lake Erie, or if it should intersect the said lake it will be at a point east of the mouth of the Miami River of the lake; therefore,

*"Resolved, * * * * That our Senators and Representatives be instructed to use their influence to obtain the passage of a law, to ascertain and define the northern boundary line of this State, and fix the same agreeably to the provisions contained in the 6th section of the 7th article of our Constitution."*

On February 17, 1809, a second resolution was passed, the preamble of which states that "great inconvenience has been and is daily occurring in consequence of the western and northern boundary lines of this State not being defined; therefore,

*"Resolved, * * * * That our Senators and Representatives in Congress be requested to use their best endeavors to have a commissioner appointed on the part of the United States to act jointly with such commissioner as may be appointed on the part of this State to ascertain, run and mark the Western and northern boundaries thereof."*

Nothing being accomplished under these resolutions, December 21, 1811, a third resolution was passed reciting the same facts, also additional ones regarding the Indian cessions, and again requesting "steps to be taken to accurately ascertain and mark the western and northern boundaries of the State."

Congress, after these repeated requests, on May 20, 1812, passed an act, "To authorize the President of the United States to ascertain and designate certain boundaries, to-wit:

* * * * "That the Surveyor-General * * is hereby authorized and required (as soon as the consent of the Indians

can be obtained) to cause to be surveyed, marked and designated, so much of the western and northern boundaries of the State of Ohio, which have not been already ascertained, as divides said State from the territories of Indiana and Michigan agreeably to the act, entitled an act * * * * passed April 30, 1802, and to cause to be made a plat of so much of the boundary line as runs from the southern extreme of Lake Michigan to Lake Erie, particularly noting the place where said line intersects the margin of Lake Erie, and to return the same to Congress."

Under this act steps were taken to ascertain the northern boundary. Josiah Meigs, the Land Commissioner, under date of April 18, 1815, writes as follows to Edward Tiffin, the Surveyor-General, regarding this question:

GENERAL LAND OFFICE, *April 18, 1815.*

SIR: Your letter of the 8th inst. has been received. You have misunderstood me in relation to the boundary line between the State of Ohio and Michigan territory. I had not made any determination that it should not be run. On the contrary, in my letter of the 23d ulto., I wrote, "The act of May 20, 1812, does not *require* astronomical observations for designating the northern and western boundaries of the State of Ohio, but it would be desirable that the geographic latitude of the southerly extreme of Lake Michigan should be known. You have two good sextants (the old one is much the best of the two), if your surveyor could take that with him, with a good watch and the nautical almanac, he might ascertain the latitude of that point with sufficient accuracy for the purpose at least of serving as a check on any error that might be made by the surveyor, who shall run and mark the northern line, for if by astronomical observations on the shore of Erie, made with the same instrument and by the same person, the surveyor and astronomer shall agree, we may have considerable confidence that the work is well executed." If you have persons competent to the business, and the Indians consent to have those boundaries marked, the sooner it is done the better.

I am, very respectfully, sir, your obedient servant,

JOSIAH MEIGS.

EDWARD TIFFIN, *Surveyor-General*, CHILLICOTHE.

During the summer of 1815, observations were taken by Benjamin Hough, a surveyor, under the direction of Edward Tiffin, of the latitude and longitude of the chief points in the

proposed boundary, especially the north cape of the Maumee Bay. The letter and observations of Mr. Hough are as follows:

CHILLICOTHE, *June 30, 1815.*

SIR: Enclosed you have the result of an observation made by me on the 27th day of May last (apparent time, or the 25th astronomical time), at the most northerly cape of the Miami Bay. In making the observations, I used the sextant belonging to your office, which you sent out with me for that purpose. Previous to the observation I adjusted the instrument with great care and precision, by various observations from eight o'clock in the morning, until near noon. And in order to remove any doubts which might entertain in making the necessary adjustments, or in making the observation at the instant the sun was at its meridian height, I took out an excellent quadrant which was used by Mr. William Stephenson at the same time I used your sextant, which uniformly produced nearly the same result upon various trials and observations.

BENJ. HOUGH, *Deputy Surveyor.*

EDWARD TIFFIN, ESQ., *Surveyor-General.*

May 27, 1815, (apparent time) at noon, being at the most northerly cape of Miami Bay, of Lake Erie, and by observation with a sextant belonging to the Surveyor-General's office, carried out for that purpose, I found the apparent altitude of the sun's lower limb to be $69^{\circ} 10' 0''$, from which I made the following calculations, viz.:

Apparent altitude of the sun's lower limb.....	$69^{\circ} 19' 00''$
Add the sun's semi-diameter.....	$00^{\circ} 15' 50''$
	<hr/>
	$69^{\circ} 34' 50''$
Subtract the dip of the horizon, being five feet above the surface of the water, and at five miles distance...	$0^{\circ} 02' 00''$
	<hr/>
	$69^{\circ} 32' 50''$
Correction for refraction, $32'$; subtract ditto for paral- lax, $3'$; difference.....	$0^{\circ} 00' 19''$
	<hr/>
	$69^{\circ} 32' 31''$
Subtract the index error.....	$0^{\circ} 2' 15''$
	<hr/>
The true altitude of the sun's center.....	$69^{\circ} 30' 16''$
Which deduct from.....	$90^{\circ} 00' 00''$
	<hr/>
Zenith distance.....	$20^{\circ} 29' 44''$
Add the sun's declination (north).....	$21^{\circ} 22' 06''$
	<hr/>
The latitude of the place of observation.....	$41^{\circ} 51' 50''$

BENJ. HOUGH, *Deputy Surveyor.*

EDWARD TIFFIN, ESQ., *Surveyor-General.*

The report bears the following indorsement: "Calculation defective, as Mr. Hough applied no correction for sun's *declination* in longitude, and sun's declination is taken on the 28th of May instead of 27th, the day of observation.

GENERAL LAND OFFICE, *September 16, 1815.*

SIR: In my letter of the 8th of August I acknowledged the receipt of Mr. Hough's observations and calculations for the latitude of the northern cape of the Miami of Lake Erie. I find that Mr. Hough has not said whether the *Index Error* was + or—, nor mentioned the longitude on which his calculation of the *Sun's declination* was founded. I have caused a rigid calculation to be made from the data furnished by Mr. Hough, and find that if the longitude he assumed, 82° west, which is near the truth, and if the *Index Error* be $+2' 15''$ the latitude is $41^{\circ} 39' 47''$; and if the *Index Error* be $-2' 15''$ the latitude is $41^{\circ} 44' 17''$, which makes the latitude in the *first* supposition $12' 3''$ less, and on the second $7' 33''$ less; which in the *first* is equal to $13^m 957$ and in the second $8^m 745$ English miles, without allowing for the spheroidal figure of the earth.

You will receive with this, plats of T. 3, S. R. 7, E. 3, meridian. T. 3, S. R. 6, E. 3, meridian.

The draftsman observes that these townships do not agree with those adjoining. The north tier of sections appears to have a vacant space. Please to explain and rectify the error.

I have sent to Philadelphia for a case of instruments for your use.

I wish you to use every exertion to canvass the survey of the Military Bounty Lands to be completed as soon as possible.

I am, very respectfully, yours,

EDWARD TIFFIN, ESQ., *Surveyor-General.*

JOSIAH MEIGS.

During the next year as has been noticed in this report, one of the members of Congress from Ohio, on August 9th, 1816, called the attention of the Commissioner of the General Land Office to this act of 1812 and urged the necessity of action, heretofore held in abeyance by the unsettled condition of the Indian affairs in that part of the country. On the 22d of the same month the Land Commissioner, General Meigs, directed the Surveyor-General, Edward Tiffin, at Chillicothe, to engage a "faithful and skilled deputy to survey and mark the said northern boundary."

The Surveyor-General employed William Harris, "an experienced, skillful, practical surveyor, and in December, 1816,

gave him special instructions how to * * * run the line between Ohio and Michigan Territory."

On December 31, Mr. Harris replied as follows:

VINCENNES, *December 31, 1816.*

DEAR SIR: At the time I wrote to you last, which was in the latter part of September, I had engaged to lay out a town a few miles below Fort Harrison, which has taken me considerably longer than what I expected. It has been but three or four days since I returned to this place. I have been sorry since I wrote that I had not have been more explicit in my answer respecting running the boundary line between Lakes Michigan and Erie. I believe that I informed you that I did not know but what I would engage in this business which implies an uncertainty. My reasons for answering that part of your letter which relates to this business, in this way, was this: I did not altogether understand what you wanted to have done—whether you wanted a line run from one lake to the other or only the boundary line established between the State of Ohio and the Michigan Territory, or whether you would have the line run between the States of Indiana and Ohio, or not.

As the mail leaves to-day, and it will be inconvenient for me to leave this place for two or three days, and perhaps may meet with some delays on the road to Chillicothe, I have thought it best to write and give you a more explicit answer.

If the line can be established between the States of Ohio and Indiana at this time, I should be glad to undertake the job. If not, I wish you to employ some other surveyor, for it will be impossible for me to travel so great a distance and establish a line of few miles in length for the compensation allowed.

There appears to be a treaty on foot with the Indians, for which purpose a part of the Commissioners are here at this time, and it is said their object is to make another purchase of land. Should this be effected I will survey as great a proportion of this as you will please to give me.

With the greatest respect, I am your obedient servant,

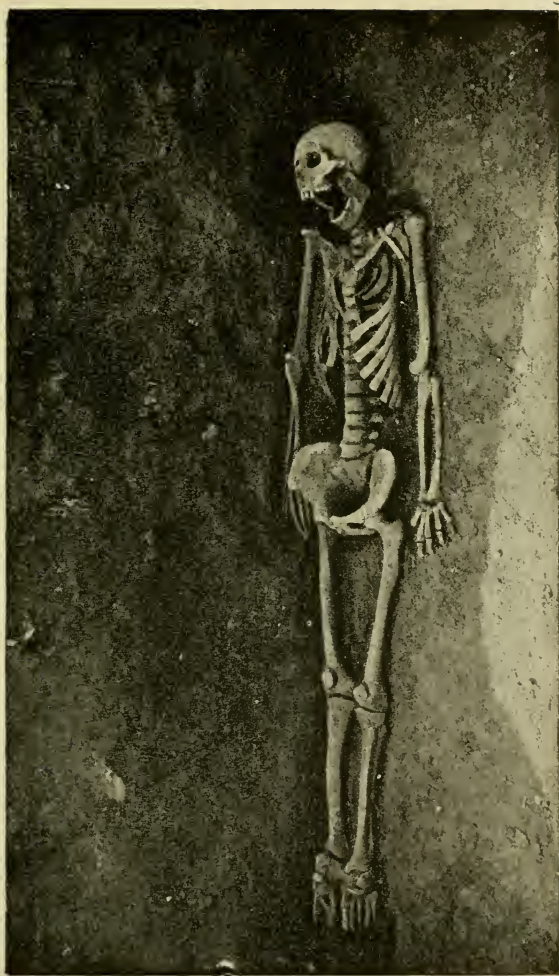
WILLIAM HARRIS.

MR. EDWARD TIFFIN, *Surveyor-General.*

Also in January, 1817, he writes:

CINCINNATI, *January 12, 1817.*

DEAR SIR: Your instructions for running and establishing the line between the States of Indiana, Ohio and Michigan Territory I have received. On examination of which I find that I am instructed to commence the line which is to divide the State of Indiana from the Michigan Territory at the south boundary of Lake Michigan and run east to Lake Erie.



SKELETON FROM OREGONIA. (FOUR MILES UP RIVER FROM FT. ANCIENT.)

This part of your instructions appears to me to be incorrect. The Constitution of the State of Indiana fixes or establishes this line ten miles further north. Whether the Convention of Indiana has fixed this line different from what was intended by the ordinance of Congress, I do not know, and indeed I do not think it material, for it appears that the Government have accepted and ratified the Constitution of Indiana without any alteration, and by so doing have established the boundaries of said State, as defined by the Constitution.

This subject seems to be quite important, and I think it would be well to consult the Government about this business before the line is run.

I am, with greatest respect, your most obedient,

WM. HARRIS.

MR. EDWARD TIFFIN.

About this time Governor Lewis Cass, of Michigan, took steps to secure a survey of the southern boundary of that Territory. William Harris was engaged to run the line. The Land office furnished Governor Cass a copy of the Constitution of Ohio, instead of, as he had supposed, the ordinance of 1787, on which Michigan's claim was based. To this Governor Cass made vigorous protest in the following letter:

DETROIT, *November 1, 1817.*

DEAR SIR: Report says, that the line which has been recently run, purporting to be the line between the State of Ohio and this Territory, was not run a due east course from the southern extremity of Lake Michigan to Lake Erie, but a course somewhat to the north of this, although how much I am unable to ascertain.

The Act of Congress organizing this Territory makes its southern boundary a due east line from the southern extremity of Lake Michigan, and this act is in strict conformity with the fifth article of compact in the ordinance for the government of the northwestern Territory. These are declared to be unalterable except by mutual consent; and, although the boundary of Indiana was extended, contrary to their provision, ten miles north, yet I believe it was done unadvisedly, and will, when this Territory is heard in the Legislature of the nation, be a subject for revision and examination.

The Convention of Ohio in their Constitution proposed to the United States, if it was found that an east line from the southern extremity of Lake Michigan would pass south of Lake Erie, that the boundary should run from that extremity to the north point of the Miami Bay. But this proposition has never been acceded to by Congress, and if the construction which we put upon the articles of compact be correct, no agreement, even

by that body without our consent, could alter these lines. But if Congress possessed this right, nothing can be clearer than that the exercise of it would be impolitic and unjust.

Why should the boundaries of Ohio be enlarged at the expense of this Territory? It is only adding strength to the strong, and making the weak still weaker. Even with the boundaries secured by the ordinance, this Territory must remain small in size and weak in population. By reducing it, its period of admission into the general confederation is indefinitely postponed. The country upon the Miami has no natural connection with the interior of Ohio. To send the people who inhabit it to Columbus to transact those affairs, for which States are organized, is to send them where no avocations of business call them, and where there is no identity of interest.

But I will not detain you with any detailed observation upon this subject. The considerations are too obvious to require it, and if there is to be a serious attempt to change this line, those considerations must be enforced at another time and in another place.

I can not believe that, in opposition to the Acts of Congress, this line has been run with any variation from an east course. But I will thank you to communicate to me the information in your power, connected with it. How the line has been run; why it has been run in the manner reported, if so done, and by whose instructions. And also what has been the return of the surveyor.

This subject is important to the people of this Territory and to the people living upon the Miami. A disputed jurisdiction is one of the greatest evils which can happen to a country. The sooner, therefore, the business is investigated the better.

Very respectfully sir, I have the honor to be your obedient,

LEW. CASS.

HON. EDWARD TIFFIN, *Surveyor-General*.

President Monroe's attention was called to the matter and upon his direction a survey was made of a direct east line, from the southern extremity of Lake Michigan to Lake Erie. John A. Fulton was employed by Edward Tiffin to do the work. No report of this survey was made to Ohio, or at least none can be found. It is known as the "Fulton Line" in distinction to the "Harris Line," and does not seem to have been seriously considered by Congress in the final disposition of the question. The contract and correspondence with Mr. Fulton, and made by him, are herewith appended:

Articles of agreement, indented, had, made and fully agreed upon this 19th day of September, in the year of our Lord one thousand eight hundred and eighteen, between Edward Tiffin, Surveyor-General of the United States, of the one part, and John A. Fulton, Deputy Surveyor of Ross county, of the other part—: *Witnesseth*, that for and in consideration of the conditions, terms, provisions and covenants hereinafter expressed and according to the true intent and meaning thereof, the said John A. Fulton doth hereby covenant and agree with the said Edward Tiffin, in his capacity aforesaid, that he, the said John A. Fulton, with the assistance of such chainmen and axmen as may be necessary (being first duly sworn) will, in his own proper person, faithfully lay out, survey and mark the north boundary line of the State of Ohio, agreeably with the laws of the United States, and such instructions as he may receive from the said Edward Tiffin, Surveyor-General. And the said John A. Fulton further covenants and agrees that he will make out a neat and accurate plat of the survey of the said line on a scale of two inches to a mile, exhibiting thereon the bearings taken at each mile post, together with the quality of the land, timber, etc.; and that he will complete the survey of the line aforesaid, and make return thereof on or before the 1st day of November next (acts of God only excepted) on penalty of forfeiture and paying to the United States the sum of one thousand dollars if default be made in any of the foregoing conditions.

And the said Edward Tiffin, in his capacity aforesaid, covenants and agrees that upon the completion of the work aforesaid, in manner aforesaid, there shall be paid to the said John A. Fulton, on behalf of the United States, as a full compensation for surveying and marking the line aforesaid and making the plat thereof, five dollars per mile for every mile and part of a mile actually run, random lines and offsets not included; provided, no member of Congress have any part in this contract.

In testimony whereof, the parties to this indenture have hereunto set their hands and seals the day and year first above written.

EDWARD TIFFIN, [SEAL].

JOHN A. FULTON, [SEAL].

Signed, sealed and acknowledged before us:

SAM'L WILLIAMS.

Mr. Harris surveyed the line in accordance with his instructions and made report to the Surveyor-General's office. From this report it appears he "ran, marked and designated specifically, beginning at a willow tree marked as a beginning corner, standing on the most northerly cape of the Miami Bay," and from thence surveyed a direct line towards the southern extremity of Lake Michigan, until it intersected the western or Ohio and Indiana boundary line. At this intersection he erected

a pile of stones and marked and designated it in his field notes, and on the plat of his survey as the northwestern corner of Ohio. The accompanying plats of Mr. Harris' survey show the line run at this time by him under the act of May 20, 1812. They are copied from Mr. Harris' return to the General Land office, and were obtained in 1817 by Governor Worthington. This line is known as the "Harris Line." The Surveyor-General, in his letter to Governor Worthington, observed:

"That it would be seen by said return that in running a due east line from the southern extremity of Lake Michigan, that line struck Lake Erie seven miles and forty-nine chains south of the mouth of the Miami of Lake Erie. * * * Harris laid off the northern boundary on a line direct from the most northerly cape of the Miami Bay towards the southern extreme of Lake Michigan until his line intersected the due north line from the mouth of the Great Miami River, this line being in conformity to the 6th section of the 7th article of the Constitution of Ohio."

On December 10, 1817, Governor Worthington, in his message to the Ohio Legislature, stated that—

"The northern boundary of the State had been lately ascertained under the authority of the United States, and urged that the question be settled at an early day."

That part of the message, with accompanying documents, was referred to a select committee, which committee, January 20, 1818, made the following report:

"That the northern boundary of the State of Ohio, adjoining the Michigan territory, having been run during the last season, by order of the General Government, it was ascertained that a line running due east from the most southern extreme of Lake Michigan intersected the Miami of the Lake several miles from its mouth, and Lake Erie some distance east of said river; and it being provided in the 6th section of the 7th article of the Constitution of this State that if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said lake east of the mouth of the Miami of the Lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of the State should be

established by and extend a direct line running from the southerly extreme of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River; thence northeast to the territorial line; which line, from the most northerly cape of the Miami Bay was also run agreeably to the above recited provision of the Constitution. Your committee are of the opinion that the Congress of the United States fully assented to the aforesaid provision of the Constitution of this State in their acceptance of this State into the Union with the Constitution containing the aforesaid provision."

The following resolution was recommended by the committee and adopted by the Ohio General Assembly January 29, 1818:

"*Resolved*, etc., * * * That this General Assembly consider the line running from the most northerly cape of the Miami Bay westwardly in a direction to the most southerly extreme of Lake Michigan till it intersects the line running due north from the mouth of the Great Miami River, as the north boundary of that part of the State of Ohio adjoining the Michigan territory."

From the survey of the Harris Line, in 1817, and the action of the Ohio Legislature in 1818, nothing further was done until 1820. On February 12 of that year the Ohio Legislature passed an act creating the counties of Williams, Henry, Wood, and Sandusky. In describing and fixing their boundaries the act declared that each should extend north to the State line; Henry, Williams and Wood bordered on the State line. The exercise of civil authority by officers elected under Ohio laws was resisted on the part of the Michigan territorial authorities, which led to many perplexing and vexatious questions, ending in a conflict of authority, as each commonwealth claimed the disputed territory. The question claimed the attention of both Ohio and Michigan from 1820 until 1835, during which interval civil jurisdiction and civil processes were much hindered. Taxes often were not collected, and a state of affairs existed that within themselves were a constant source of annoyance to the residents of this district.

Ohio, through her representatives in Congress, made re-

peated attempts to have the line definitely settled. Finally, acting on the suggestion of Governor Robert Lucas, in his message in 1835, the Legislature passed a declaratory act asserting her rights to the boundary fixed in the Constitution and accepted by Congress. The northern boundary now began to be a serious question. Both Michigan and Ohio made preparations to assert and maintain by force their claims, and what is known in local history as the "Ohio-Michigan war" began.

Michigan contended that the "Fulton Line" was the true boundary, supporting her claim by the following statements:

First—The organic act of the territory, the ordinance of 1787, made this the boundary.

Second—The act of Congress in 1805, created the territory, reaffirmed the same statement and fixed the southern boundary of the territory upon this line.

Third—That Ohio's claim as set forth in her Constitution, was unconstitutional, and hence invalid.

Ohio, on her part, contended—

First—That the clause in the ordinance of 1787, in relation to these boundaries, was based upon a fact not then known, and also upon an incorrect knowledge of the latitude of the southern extreme of Lake Michigan.

Second—That the intent of Congress was clearly shown in the maps of that period, which located the eastern terminus of a direct line east from the southern bend of Lake Michigan, some distance north of its true ending.

Third—That in accepting the northern boundary of Ohio, as laid down in her Constitution, Congress reaffirmed its intent, and thereby fixed the boundary.

Fourth—That the line insisted upon by Michigan, as the boundary, would not touch the territorial line, and that, also, it would cut off part of north-eastern Ohio—a condition Congress in no wise contemplated.

Fifth—That in fixing the northern boundary of Indiana, ten miles north of the line claimed by Michigan, and Illinois still further north, Congress reaffirmed its understanding of the *intention* of the lines designated by the ordinance of 1787, and

Sixth—That Michigan being a territory could have no part

in this question. If there be any, it is between Ohio and the United States, and the latter having accepted the Constitution of Ohio, with its special provision regarding the northern boundary, thereby agreed to it, and hence established and fixed the said line as defined in Ohio's Constitution. The authorities of Ohio, therefore, declined to discuss the matter with the Michigan authorities, and recognized them no further than as intruders upon her domain.

The act of the Ohio Legislature, creating the counties of Williams, Henry and Wood, also provided for the appointment of three commissioners to run and re-mark the "Harris Line." Under its provision Governor Lucas appointed Uri Seely, of Geauga county; Jonathan Taylor, of Licking, and John Patterson, of Adams. They were instructed to begin their work April 1, 1835.

These acts on the part of Ohio aroused the authorities of Michigan to action, and on February 12, the territorial council passed an act making it an offense to exercise any official function north of the Fulton line, or do any act that would give assent to Ohio's claims.

Governor Lucas began to exercise vigorous measures to carry out the acts of the Ohio Assembly. The Legislature made large appropriations of money, and the Ohio militia was called into service. The authorities of Michigan were equally active, and a serious conflict seemed imminent, when Richard Rush, of Philadelphia, and Colonel Howard, of Baltimore, accompanied by Elisha Whittlesey, member of Congress from Ohio, arrived with instructions from President Jackson, to use their influence to stay hostile proceedings. Messrs. Rush and Howard held several conferences with the Executives of both commonwealths, and submitted to them the following propositions:

First—That the Harris line be re-marked in accordance with the act of the Ohio Legislature without opposition, and

Second—That civil elections under the laws of Ohio having taken place in the disputed territory, the people be left to their choice of Governments until Congress shall decide the question.

Governor Mason, of Michigan territory, declined assent to either of the proposals. While Governor Lucas, in accordance

with his attitude, that he could deal only with the National, and not with the territorial authorities, accepted them. Both Governors, however, ceased largely from their belligerent positions. The President referred the matter to Attorney-General Butler, who gave it as his opinion that the action of Ohio in extending her jurisdiction north of the southern boundary (Fulton line) of Michigan, as recognized by Congress in the creation of Michigan territory in 1805, was a violation of the laws of the United States, but that the act of re-marking the Harris line would be no violation. He also gave it as his opinion that the act of the Michigan council, claiming jurisdiction over the disputed territory, was valid, and would remain so until annulled by Congress.

Under a knowledge of these facts, the Ohio Commissioners began their re-survey of the Harris Line, at the north-west corner of the State. They met with some opposition from the Michigan authorities, but none serious until on Sunday, April 26, (having re-marked thirty-eight and one-half miles) when they were surprised by a force of fifty or sixty men. Part escaped and part were captured, taken to Tecumseh, where they were admitted to bail. Those who escaped came to Perrysburg, where they made report to Governor Lucas, who in turn reported the matter to the President, who caused an investigation to be made. At the same time he again advised all such actions to cease. Governor Lucas called, in June, 1835, a special session of the General Assembly, which passed, among other acts, one to "prevent the forcible abduction of citizens of Ohio;" and also erected Lucas county from the north part of Wood county, making Toledo the county-seat and providing for the exercise of civil government there. The General Assembly also passed an act conditionally ratifying the acceptance by the Governor of the proposition of Messrs. Rush and Howard, stipulating that all actions against Ohio citizens be annulled and cease. The Legislature adjourned June 20th, and soon after the Governor requested Noah H. Swayne, William Allen, and David T. Disney to proceed to Washington and confer with President Jackson, with a view to securing his influence to quiet the existing troubles. The President expressed doubt as to his authority in

the premises; but promised to use his influence towards effecting the arrangement requested by Ohio, until Congress could decide the question.

On the 20th of July, Governor Lucas instructed the Commissioners to complete the remarking of the Harris Line, and advised them to begin work in September. Notwithstanding the expressed wish of the President, the authorities of Michigan maintained an aggressive attitude and continued arrests. The President preemptorily removed the Secretary of the Territory, acting Governor Mason, and appointed Charles Shaler of Pennsylvania, to the position of Secretary of the Territory. Mr. Shaler declined the place and John S. Horner was appointed. An agreement was made between Governor Lucas and Mr. Horner that all prosecutions should cease on the part of both, and that the line should be re-marked unmolested. These arrangements being in accord with the recommendations of Messrs. Rush and Howard, the question now came before Congress. In the meantime, under direction of Governor Lucas, the Commissioners began again, on November 2d, to re-mark the Harris line. They completed their work two days afterward and made the following report:—

PORT MIAMI, *November 4, 1835.*

His Excellency, ROBERT LUCAS, Governor of Ohio:

SIR: The undersigned, Commissioners appointed under and in virtue of, the provisions of the act of the Legislature of the 2d of February, 1835, * * * beg leave to report:—That * * * they went upon the ground on Monday, the 2d day of November, 1835, * * * and commenced re-marking said line, from the point where they were interrupted in April last, to the northern cape of Maumee Bay, and continued their work * * * until it was fully completed * * *.

They caused permanent posts to be set up and marked as line posts on the road leading from Sylvania to Monroe, where the line crosses said road, and on the turnpike road leading from Toledo to Monroe where the line crosses said turnpike road about seven miles from Toledo; in the prairies where the mile stations ended, and at the extreme northern cape of the Maumee Bay, where they found the willow tree called for in Harris' field-notes, marked as the beginning corner on the cape, which marks are plainly to be seen. They caused a large stone to be set seven links east of said willow corner, on the cape marked on the north side with the letters

"M. T." for Michigan Territory, and on the south side with the letter "O." for Ohio. These letters were deeply cut in the stone.

We further report that the line thus run and re-marked, with the aforesaid additional indications is plain and permanent; easily found and not to be mistaken.

W. S. MURPHY,
JONATHAN TAYLOR,
URI SEELY,
Commissioners.
JAMES HUGHES,
Assistant.

In Congress the question was referred to the Judiciary Committee of the Senate, John M. Clayton, Chairman. This committee made report March 1, 1836, on a "bill to settle the northern boundary line of the State of Ohio." This bill provided that:

"The northern boundary of the State of Ohio shall be established by and extend to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay; thence northeast to the northern boundary line of the United States; and thence, with said line, to the Pennsylvania line, etc."

The committee found that "aside from the declaration made in the Constitution, the State of Ohio could have no right, strictly speaking, to the line therein set forth." The question then came upon the "assent of Congress." "Did the *admission* of Ohio into the Union, with such a clause in the Constitution," constitute the "assent of Congress?" The Judiciary Committee gave the matter careful consideration, concluding its examination with the following language:

* * * "We do not hesitate then, to express our conviction that, while Congress has not yet, in terms, declared its satisfaction with the line now contended for by Ohio as her northern boundary, it has, in the most solemn manner, accepted her State Constitution, recognized it, as made pursuant of a lawful authority to make it, conferred by an act which reserved the right to annex to Ohio, at any future period, a country embracing the whole territory in dispute; and has, by these means, assented to the terms of the proviso, which is one of the essential features.

of the Constitution. * * * We hold that by the acceptance of this Constitution Congress undertook, that if the fact should be hereafter satisfactorily ascertained that the southerly extreme of Lake Michigan extends so far south that a line drawn due east from it must intersect Lake Erie east of the Miami of the Lake, then, with the assent of Congress, the northern boundary should be the very boundary described in this bill. * * * That, for reasons which we now proceed to detail, Congress can not, consistently with the original understanding of the compact between that State and this Government, and those obligations which, though not strictly legal, are of great equitable and moral force among nations, as well as individuals, withhold its assent to the line in the bill."

The committee then state the fact that at the time the Constitution of Ohio was formed, the maps then considered authority placed the southern extreme of Lake Michigan between 22°, 20', and 22°, 30', north. The committee cites Peter Bell's map, of 1722, as making a "due east line strike the Detroit River north of Lake Erie." Also that of William Fadden, in 1777, Kitchen's atlas, Enon Bowen's map and John Gibson, an engineer of 1763, all placed the line as terminating further north of Lake Erie than that asked for by Ohio.

Whittle's map, of 1794, and an "ancient map of the northwest territory" showed the same line. Mitchell's map, much in use, not only when the Constitution was made in 1802, but also prior to that and afterwards, showed the latitude of the southern extreme of Lake Michigan at 42°, 20', north. All these placed the line due east as terminating north of the Maumee Bay.

"In view of all these facts," the committee say, "that it was believed by both parties that the new State of Ohio would comprehend not only the whole territory claimed by her, but also a large tract still further north."

The bill as indorsed by the committee fixed the boundaries of Michigan and Indiana as well as the northern boundary of Ohio. With few minor amendments it passed both branches of the National Congress, and thus the question in dispute from 1802 to 1836 was settled. The "Harris Line" was confirmed, and to Michigan, then admitted as a State, was given the

"Upper Peninsula," at that time considered of little value, but ultimately found to be the most valuable part of her domain.

The next year after the boundary question was settled by Congress, the Land Office took measures to connect the line with those of the public surveys, and on May 15, 1837, the following letter of instructions was issued:

SURVEYOR-GENERAL'S OFFICE, CINCINNATI, *May 15, 1837.*

SIR: You will herewith receive a contract, special instructions, copies of field notes, plats, descriptions of corners, etc., for connecting the line of demarcation between the States of Ohio and Michigan with the lines of the public surveys intersected thereby, together with a printed copy of the "General Instructions to Deputy Surveyors."

Your obedient servant,

R. T. LYTH.

By SAMUEL WILLIAMS, *Chief Clerk.*

ANDREW PORTER, ESQ.

Special instructions to Andrew Porter, D. S., for connecting the public surveys with the boundary line between the States of Ohio and Michigan:

SIR: I am instructed by the Government to cause the boundary line between the States of Ohio and Michigan, as established by recent acts of Congress, to be connected with the lines of the public surveys through which it passes. This work is committed to you.

You will commence the work at the northwest corner of the State of Ohio, which you will re-establish, by determining the precise point, should the old post be gone, and replacing the post. At this point place a post of not less than twelve inches diameter of the most durable wood you can find, to be set three feet in the earth and five high above the surface. The post will be faced on three sides, forming a right-angled triangle, with the longest side in a line with the meridian and facing to the west, on which you will mark the letters "Ind." The other two sides will face, one northeasterly, the State of Michigan, and the other southeasterly, the State of Ohio. On the former mark the letters "Mich.", and on the latter the letters "Ohio." These several letters to be made not less than two inches square each, and to be deeply cut into the post. Take several bearing trees from this post in each of the States.

From this post you will then retrace the boundary line between the States of Ohio and Michigan, which, by the original survey, is on the course of *north eighty-seven degrees and forty-two minutes east.* (N. 87°; 42' E.)

After having established this post, you will measure on the State line north and south therefrom, to the nearest section corners thereon of the section intersecting it from the east.

In retracing the boundary line, you will carefully re-measure it, taking field notes of every thing proper to be noted thereon, and observing to verify its identity with the original line, by the field notes thereof, herewith furnished to you.

As you proceed in retracing the boundary line, you are to ascertain its intersection with every line of the surveys of the public lauds which it intersects; and at every such intersection you will establish and mark conspicuous corners. These corners are to be made thus: At the points of intersection set a post of *durable* wood not less than six inches diameter, sunk two feet at least into the earth, and standing three feet above the surface. The post is to be faced on two opposite sides at the top, and twelve inches long, which sides are to be parallel with the State line. On the northerly side you are to cut the letters "Mich.," and on the southerly side the letters "Ohio," to be deeply cut in the wood, and not less than one inch and a half in diameter. And on a blaze made on each of the two opposite sides of the post, you will mark in the usual way the number of the sections respectively, facing the blaze. From each of these posts you will take four bearing trees, and two on each side of the State line, having one in each section, on either side of the boundary line.

In prairies where bearing trees cannot be had, you will raise a mound of earth or pile of stones around the post, of four feet high and not less than that diameter at the base, the mound to be faced with sod on its entire surface. The post must stand not less than two feet above the mound, and be in the center thereof.

From the posts thus established, on the section lines, you will measure very exactly, both north and south, to the nearest section corners, noting the quarter section posts passed by you, and taking field notes of the lines thus measured. And where you intersect an east and west line, you will measure thereon to the nearest section corners in like manner.

The measurements on the State line and your entries thereof in the field notes will begin anew from every section line you intersect. You will note the mile posts of the original line, as you pass them.

Your field notes of the work must be kept in separate field books for each township, including the east boundary thereof.

As this line is now made the permanent boundary, or line of demarcation between two sovereign States, each exercising jurisdiction thereto, you need not be reminded how important it is to observe the *utmost accuracy* in identifying and retracing it, and in making the monuments, thereon at the section lines.

For ROBT. T. LYTH, *Surveyor-General*.

SAM'L WILLIAMS, *Chief Clerk*.

SURVEYOR-GENERAL'S OFFICE, CINCINNATI, *May 15, 1837*.

Additional: From where the State line intersects the Maumee Bay, and the right and left bank of the Ottawa River, you will carefully meander each way to the first meander post from each intersection.

The surveys of the Land Office completed the work on this boundary. The posts set up by the survey gradually wore away till few, if any, are left. They should be replaced by durable stone posts, suitably inscribed, and thus the line clearly and permanently established.

To recapitulate, briefly: The line came into prominence in 1802; then again in the survey by William Harris in 1817; again in 1835 when re-marked by the Ohio Commissioners; and finally, when re-run by the Land Office in 1837. It will no doubt always stand and though not, perhaps, technically in accordance with the letter of the ordinance of 1787, it fulfills its conditions fully when all considerations are regarded, and as such was so considered in the Congress of the United States when the question was finally considered and settled.

CORRESPONDENCE RELATIVE TO NORTHERN BOUNDARY.

UNITED STATES COAST AND GEODETIC SURVEY,
2122 MAPLEWOOD AVENUE, TOLEDO, OHIO,

December 21, 1891.

DR. T. C. MENDENHALL, *Superintendent United States Coast and Geodetic Survey, Washington, D. C.:*

DEAR SIR: In compliance with your instructions of December 7, I have investigated the dispute relating to the boundary line between the States of Michigan and Ohio and have the honor to submit the following report:

The first act of Congress in regard to the establishment of the northern boundary of the State of Ohio, called for a true east and west line from the most southerly point of Lake Michigan. According to this the Fulton Line was run, which left the mouth of the Maumee River in the Territory of Michigan. Much dispute arose in regard to this line, which resulted in the memorable Toledo war, and finally in the establishment and adoption of the Harris Line for the northern boundary of the State of Ohio. The description of this line is as follows: A direct line running from the southern extremity of Lake Michigan to the most northerly cape of Miami Bay, after intersecting the due north line from the mouth of the Great Miami River, thence northeast to the territorial line and by the said territorial line to the Pennsylvania line.

This line was run and marked by William Harris, in 1817, in conformity to instructions from the Surveyor - General.

The great object in dispute at that time was the City of Toledo and its harbor on Maumee River. A few acres more or less having been considered of very little importance, the State line was only roughly and poorly marked.

All of the land in this vicinity is referred to the Michigan Base. The bearing of the Harris Line being N. 88 E., it does not follow the direction of township lines, but crosses them at an acute angle, and the two lines in this locality, where they cross or are very close together, have been confused. The description of much of the land refers to the boundary line, the location of which is not known. The line was marked by blazed trees. With the development of the country, saw mills were established, timber was cut down, and land was cleared. The result was that the marks were destroyed.

Soon after receiving your instructions I visited Sylvania, Ohio, which is located close to the line, and I could find nobody in that locality who could give me any information in regard to a mark on the line. My visit to this locality caused considerable excitement among the landowners. They were unanimous in declaring it necessary that the line should be re-surveyed and marked. I have received some communications, which are attached to this report.

Although my investigation was extended only to this one locality, I learned enough to convince me that a re-survey and marking is necessary. Land that is claimed to be in Michigan is assessed for road improvements in Ohio. The Highway Commissioner of Monroe county, Michigan, informs me that he is unable to complete roads that are close to the boundary on account of the uncertainty. Fences are often torn down on both sides and angry disputes arise. The tax lines on land in the two States also cause much trouble; many people taxed for more land than they possess.

The local surveyors might settle some of the disputes temporarily; but a location made by them would not satisfy all parties. A survey under a joint commission from the two States is earnestly requested.

As your instructions directed me to make an investigation only as far as I might be able in this locality, I did not feel justified in expending any money and confined myself to only about ten miles of territory. A further and more complete investigation could be made should you deem it necessary.

Very respectfully yours,

P. A. WELKER,

Sub-Assistant Coast and Geodetic Survey,

OFFICE OF H. W. WILHELM, COUNTY SURVEYOR,
TOLEDO, OHIO, *December 18, 1891.*

CAPT. P. A. WELKER, *United States Coast and Geodetic Survey:*

DEAR SIR: In reply to yours of recent date I would say that the boundary line between the States of Ohio and Michigan is an unfixed quantity; said line can not be located from any data to which we have access. All witness trees and other reference points locating intermediate points on said boundary line are lost. It is absolute that said boundary line be located in order to fix definitely disputed location of public highways, section lines and other official as well as private descriptions which are located and described with reference to said State boundary line.

Yours respectfully,

H. W. WILHELM,
Lucas County Surveyor.

OFFICE AUDITOR OF LUCAS COUNTY,
TOLEDO, OHIO, *December 21, 1891.*

P. A. WELKER, *City:*

DEAR SIR: Replying to your favor of the 19th instant, I would say, there has been more or less complaint made by parties living near the supposed Ohio and Michigan line. It is claimed by many of them that they can not tell whether they live in Ohio or Michigan. Some claim they are called upon to pay taxes in both States. It seems to me the question of State line should be located and marked that the question may be settled for all time to come.

Very respectfully,

CHAS. H. JONES,
Auditor.

SYLVANIA, *December 14, 1891.*

To P. A. WELKER, *United States Coast and Geodetic Survey, Toledo, Ohio:*

DEAR SIR: The undersigned citizens of Sylvania township, Lucas county, Ohio, owners of real estate along the State line between Ohio and Michigan, would respectfully represent that the uncertainty as to the true location of said line is the occasion of much misunderstanding in the establishment of highways, and of dissatisfaction on the part of some of us who are required to pay taxes upon the same land in both Ohio and Michigan.

The undersigned would therefore pray that to remedy the evils above mentioned and all others which must obviously result from uncertainty as

to the location of said State line, that the United States Government cause said line to be authoritatively and unmistakably established.

Respectfully yours,

A. B. WEST,	ANDREW REGAR,	C. M. ADSIT,
W. W. COVELL,	WM. B. WARREN,	O. ADSIT,
FOSTER R. WARREN,	R. BLANCHARD,	LOUIS POTTER,
A. R. CHANDLER,	S. G. BEMRETT,	S. M. JUDSON,
JOHN W. LAIMOR,	J. A. FLETCHER,	A. H. WINSLOW, M. D.,
GEO. P. DOLPH,	JOHN SHULL,	M. P. BERTHOLF,
F. H. BERTHOLF,	C. GEILST,	F. W. DURFEE,
WM. CORY,	L. F. POTTER,	OLIVER YOUNGS,
FRED. WATKINS,	C. E. ROCKENSTYRE.	

SYLVANIA, *December 18, 1891.*

MR. WELKER, *Coast and Geodetic Survey:*

DEAR SIR: I did not see you when you were here. Your cousin came here yesterday and advised me to write to you concerning the re-establishment of the State line between Ohio and Michigan.

I am taxed in Michigan on three and one-half acres and the same land is also claimed by Mr. Nair on the north. The land is described on the tax receipt as bounded N. by $\frac{1}{2}$ line; S. by State line; E. by lands or "bounds" unknown; W. by Sec. line. There is a piece of road that is pretty bad at certain times of the year, ten or twelve rods long, running along the west line not certainly known in which State it is located. It is also claimed by landowners west of my farm that they are taxed on the same strip of land in both States.

I would like to have the line permanently settled as to where the State line is. The Michigan folks north of me have made me a good deal of trouble in trying to force an east and west road on to me for the past two years. I think that as the parcels of land are described (I am paying taxes in two States), that they are trying to make the road in Ohio, said road, according to the record at the township clerk's office, is to run along the quarter line, and not over the line and into Ohio.

If you will use your influence in having the State line established I will be much obliged.

Respectfully yours,

GEO. GERWICK.

UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
WASHINGTON, D. C., *January 6, 1892.*

MR. A. A. GRAHAM, *Secretary Ohio Archaeological and Historical Society,*
Columbus, Ohio:

DEAR SIR: I return to your address by this mail two documents relating to the boundary lines of the State of Ohio.

In addition to returning my thanks for their use, I beg to urge the importance of their publication by the State of Ohio.

The expense would be comparatively small, and the printed papers would be of great interest and value to the general public.

I am yours faithfully,

T. C. MENDENHALL,
Superintendent.

UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
WASHINGTON, D. C., *January 27, 1892.*

MR. A. A. GRAHAM, *Secretary Ohio Historical Society, Columbus, Ohio:*

DEAR SIR: Yours of the 9th instant is at hand. I have had the correspondence to which you refer copied, and I send the copy to you herewith, hoping the same will reach you in good order.

I will be pleased to receive from you any message or other document which the governor may transmit to the Legislature in reference to this matter of the boundary line. I will also be glad to be kept informed as to any action that is taken by the Legislature in reference to the disputed boundary line between Ohio and Indiana.

The subject of the boundary line between Ohio and Michigan, as you see, is one of much interest and importance, but presents an aspect entirely different from that of the Indiana question. It does not seem that the location of the boundary between Ohio and Michigan is disputed in theory, but only in fact. That is to say, it seems that the actual location of the line upon the surface of the earth has never been definitely or permanently determined, and hence this should receive attention as early as possible, in order that the confusion now existing shall disappear.

I think there would be no difficulty in adjusting this line, as doubtless Michigan and Ohio would immediately come to an amicable agreement as to the appointment of commissioners who should settle the whole question and see to the marking of the line. In Indiana the question is somewhat different, as there the location of the line upon the surface of the earth seems to be well determined. That is to say, it is accepted at least by those on both sides of the line, although it is now known not to agree with the theoretical boundary line as originally defined and described.

I hope something may be done with this case also by the Legislature during the coming winter, and I would be pleased to afford any assistance to the Governor or to the Legislature in connection with the matter which is in my power.

I am yours faithfully,
T. C. MENDENHALL,
Superintendent.

GENERAL LAND OFFICE,
September 20, 1815.

SIR: I observe in the *National Intelligence* of this day a notice that probably, latitude of the southern extreme of Lake Michigan will be ascertained the coming winter.

As the operations which have taken place relative to the latitude of the North Cape of the Miami of Lake Erie appear to be very incorrect, of which I gave you an account in my letter of the 16th instant, it will be best to omit for the present any further proceedings relative to the boundary between Ohio and Michigan.

I am very respectfully yours,

JOSIAH MEIGS.

EDWARD TIFFIN, Esq.

NOTE,—In my letter of the 16th for “Geographical miles” read *English* miles.

GENERAL LAND OFFICE,
October 2, 1815.

SIR: Your letter dated September 22 was received yesterday. A copy of it will be laid before the Secretary of the Treasury. In this business I presume I have taken the best move to fulfil the orders of the head of the Department. It is expected that he will be in the city within a few days.

I have had communication with the President on the subject of the northern boundary of Ohio. I advise that Mr. Hough should take no further trouble in that business. I have no doubt that the statement which he received from your office will be taken due care of.

On the 22d of September I sent a case of instruments, obtained from Philadelphia, by the politeness of Mr. Robert Patterson—it gives me pleasure that I have been able to comply with your request of the 25th of August so promptly.

Please to inform me in your next of the state of the survey in Harrison's purchase.

I am very respectfully your,

JOSIAH MEIGS.

EDWARD TIFFIN, ESQ., *Surveyor-General, Chillicothe.*

GENERAL LAND OFFICE,
October 19, 1815.

SIR: Your letter of the 15th of this month was received this morning. As the Deputy Surveyors are by contract to furnish you *with three plats and three descriptions* of each township, let one copy be transmitted

to this office as speedily as may be after they shall have been approved by you.

I am obliged to Mr. Hough for his experiments relative to the latitude of the North Cape of the Miami. I have reason to believe that the north boundary of the State of Ohio will require much more scientific labor than I had apprehended.

As you have nearly completed everything relative to surveys of the Public Lands contracted for before you commenced your labors, I think you will have much leisure during the winter.

I am respectfully yours,

JOSIAH MEIGS.

EDWARD TIFFIN, Esq., *Surveyor-General*.

GENERAL LAND OFFICE,

December 9, 1817.

SIR: Yours of December 1, 1817, is received, with documents relative to the north and west boundaries of the State of Ohio.

By a recurrence to my letters of September 20 and of October 2, 10 and 19, 1815, you will see that you was *not authorized to canvass those boundaries to be run without further orders.*

I have laid your letter and the documents before the Secretary of the Treasury, with a copy of the correspondence above referred to.

I am very respectfully yours,

JOSIAH MEIGS.

EDWARD TIFFIN, Esq., *Surveyor-General*.

GENERAL LAND OFFICE,

June 29, 1818.

SIR: I am directed to request you will adopt without delay measures necessary for surveying and marking the northern boundary of the State of Ohio, in conformity with the provisions of the act of 20th May, 1812, authorizing the President of the United States to ascertain and designate certain boundaries. As the line has already been run from the southern extremity of Lake Michigan to the western boundary of Ohio, the continuation of that line to its intersection with Lake Erie will be a sufficient compliance with the provisions of the act aforesaid. The expense of running the line may be defrayed out of the appropriation for surveying the public lands. I recommend Mr. Harris as the most suitable Deputy for this service, and I wish him to ascertain the latitude of that point on Lake Erie which shall be on the east and west line running from the southern extremity of Lake Michigan, and also to make the other trials to ascertain the latitude of the southern extremity of Lake Michigan, unless he is

satisfied that the latitude already given is correct. Mr. Harris's skill and care will, of course, be employed to run the line so far as he possibly can, to coincide with the parallel of the latitude of Lake Michigan.

I am very respectfully, sir, your obedient servant,

JOSIAH MEIGS.

EDWARD TIFFIN, Esq., *Surveyor-General, Chillicothe.*

VINCENNES, *July 24, 1818.*

DEAR SIR: I have this day received your letter together with the inclosed communication from the Honorable Commissioner of the General Land Office, Mr. J. Meigs, respecting the running of the northern boundary of the State of Ohio.

I feel much gratified in learning that my surveys last summer and calculations of the latitude of the southern extreme of Lake Michigan have met the approbation of Government. With regard to my running the northern boundary of the State of Ohio at this time, I think it will be out of my power to undertake, in consequence of the great distance which I should have to travel and the small quantity of work to be done. No surveyor can run that line without loss, unless he resides immediately in the vicinity of the work. Unless I could receive a compensation double to what is allowed by law, I should be unwilling to undertake so small a job at so great a distance.

Notwithstanding it is out of my power to undertake this work, I feel very grateful both to yourself and Mr. Meigs for the good opinion you appear to entertain of my integrity as a surveyor.

I am with greatest respect, your most obedient,

WILLIAM HARRIS.

MR. EDWARD TIFFIN, *Surveyor-General.*

COPY OF THE 18TH SECTION OF THE 10TH ARTICLE OF THE CONSTITUTION OF THE STATE OF INDIANA.

"In order that the boundaries of the State of Indiana may more clearly be known and established, it is hereby ordained and declared, that the following shall be and forever remain the boundaries of the said State, to-wit: Bounded on the east by the meridian line which forms the western boundary of the State of Ohio: on the south by the Ohio River from the mouth of the Great Miami River to the mouth of the Wabash River: on the west by a line drawn along the middle of the Wabash River from its mouth to a point where a due north line drawn from the town of Vincennes would last touch the northwestern shore of the said Wabash River: and from thence by a due north line until the same shall intersect on east and

west line drawn through a point ten miles north of the southern extreme of Lake Michigan: on the north by the said east and west line, until the same shall intersect the first mentioned meridian line which forms the western boundary of the State of Ohio."

FIELD NOTES OF THE NORTH AND WEST BOUNDARIES OF OHIO.

JUNE 1, 1817.

Course and Dist.	Miles.	
		Variation 5° East.
		Commenced at a corner on the Indian boundary line near Fort Recovery,—from thence
North.		Between the States of Ohio and Indiana
27.00		Creek 40 links N. E.
78.00		Brook 8 N. E.
	90	Set post from which a white oak fourteen inches in diameter bears S. 25, E. 12 links, and a white ash eighteen inches in diameter bears N. 5, W. 23 links. Land level rich and good for farming —beech, sugar, ash, spice undergrowth.
		Variation 4.12 by observation.
North.		Continued between the States of Ohio and Indiana.
21.87		Intersected the line running from the North Cape of the Miami Bay to the south extreme of Lake Michigan 33.92 links. West of the seventy-one mile corner set post, and put a pile of stones about it, from which a beech fourteen in. diame- ter bears N. 37, W. 44 links, and a sugar five inches in diameter bears N. 31, E. 15 links, and a sugar nine inches in diameter bears S. 8, W. 20 links. Land rich and good for farming.
N. 34.42 E.		Between the State of Ohio and Michigan Territory on a random.
67.67		To a stake which stands 9 miles, 76 chains and 75 links north of the North Cape of the Miami Bay.
		Variation 3.32° .
		Commenced at the North Cape of the Miami Bay, made a willow a corner eleven inches in diame- ter, and marked M. T. on the north side and O. on the south, from which corner a point of land bears S. 57, E. 6 or 7 miles, and a point of an island bears S. 60, E. 6 or 7 miles, and the north point of the same island bears S. 75, E. 6 or 7 miles. From thence

Course and Dist.	Miles.	
S. 87° 42' W. 25.00		Between the State of Ohio and Michigan Territory. Along the shore.
	1	Corner in the bay.
S. 87° 42' W. 33.92		Between the State of Ohio and Michigan Territory. To the N. W. corner of the State of Ohio, the corner a pile of stones, from which a beech fourteen inches in diameter bears N. 37, W. 44 links, and a sugar five inches in diameter bears N. 31, E. 15 links, and a sugar nine inches in diameter bears S. 8, W. 20 links. Land rich and good for farming.

SURVEYOR-GENERAL'S OFFICE.

November 2, 1818.

SIR: I transmit herewith a plat together with a copy of the field notes of the north boundary of the State of Ohio, which has been run in obedience to the instructions contained in your letter of the 29th of June last.

As I foresaw, Mr. Harris could not be prevailed upon to do the service; a copy of his letter to me on that occasion I also enclose, by which you will see the reason why he declined it.

For the same reasons several other surveyors also refused to go out. But I fortunately at length prevailed upon Mr. John A. Fulton (whose abilities as an experienced surveyor and mathematician had been much praised by others, and whose appointment to this service was highly agreeable to Governor Cass of Michigan) to undertake it; and I have every reason to believe, from an examination of his work, that he has executed it with fidelity and correctness.

With the highest respect, I am your obedient and humble servant,

[Signed] EDWARD TIFFIN.

The HON. JOSIAH MEIGS, Commissioner of the General Land Office.

PHILADELPHIA, *March 27, 1835.*

To GENERAL C. GRATIOT, Chief Engineer:

SIR: I have the honor to acknowledge the receipt this morning of your letter of the 23d inst., postmarked 26th, requiring at as early a day as practicable a report of the result of the astronomical observations made for the adjustment of the north boundary of Ohio. At this time I am separated from all the papers relating to that service, but am able to state generally from recollection the results arrived at.

First. The due east line from the foot or most southern bend of Lake Michigan, will intersect the Maumee River very near the line as run and marked by commissioners; it will not vary from it 300 yards.

Second. The same due east line prolonged *did not* intersect the line "along the middle of Lake Erie" as deduced from these observations; but will pass more than two thousand feet south of the most southern point of that line. I must also state that the long, low, narrow, sand point, on the north side of Lake Erie, called "Point au Platt," or "Point Pell," was at the time of my observations were made there, much shortened from some cause; I was so informed by the captain of the cutter as we approached it, and he expressed much surprise at the change that had taken place since he last visited it. A young man residing near made the same remark that the Point formerly extended much further into the Lake. The map prepared by and accompanying the report of the commissioners for ascertaining this portion of the National boundary, shows the same thing, viz.: That the Point then projected much further south than at present.

It follows then, that a line "along the middle of Lake Erie," at the time the commissioners surveyed it, must be considerably south *at this point*; if the line along the middle of the Lake now.

Which of these lines shall be considered as the boundary line of the United States, the undersigned is not competent to decide. If the first line is the boundary, then it is probable the east line referred to will intersect it very near its most southern culmination, and to ascertain that, further observations will be necessary, and reference also to the notes of the surveyors employed by the commissioners.

If the latter line, there is no doubt upon the subject, the observations are already sufficiently advanced to decide that there will be no intersection.

I am, sir, most respectfully your obedient servant,

[Signed]

A. TALCOTT,
Captain Engineer.

The following is a copy of a paper enclosed in an envelope bearing the following endorsement:

THE ORIGINAL ROUGH DRAFT OF THE COMMISSIONERS' REPORT
TO THE SECRETARY OF THE TREASURY RESPECTING
THE DISPUTED BOUNDARY LINE BETWEEN
OHIO AND MICHIGAN.

The first notice that can be found in relation to the present disputed line is contained in the 5th article of the ordinance of Congress for the government of the territory northwest of the

River Ohio, of July 13, 1787 (Land laws, page 101), which provided that in case the State of Virginia should alter her deed of cession, the territory should be divided into three States, having the territorial line between the United States and Canada or the boundary on the north in each case.

"Provided, however, that the boundary of these three States shall be subject to be so far altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of said territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan."

On December 30, 1788 (Land laws, page 101), Virginia gave her assent to the provisions of the before-mentioned 5th article of the ordinance of July 13, 1787. (See this ordinance in extended Land laws, page 356, etc.)

On April 30, 1802 (Land laws, page 474), an act was passed to enable the inhabitants of the eastern portion of the Northwest territory to form a Constitution and State Government, and the 2d section, which defines the boundaries of the future State, declares them to be:

"On the east by the Pennsylvania line; on the south by the Ohio River to the mouth of the Great Miami River; on the west by the line drawn due north from the mouth of the Great Miami aforesaid, and on the north by an east and west line drawn through the southern extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie, to the Pennsylvania line aforesaid."

The Constitution of Ohio was formed November 29, 1802, and the 7th article recognized the boundaries as prescribed by the act of April 30, 1802, with a proviso:

"That if the southerly bend or extreme of Lake Michigan, should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if should intersect the said lake east of the mouth of the Miami River of the Lake, then and in that case, with the assent of the Congress of the United States, the northern boundary of this State shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River as aforesaid; thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line."

No act of Congress giving this assent, nor any act or resolution for admitting Ohio into the Union after her forming her Constitution, is known, and by the act of January 11, 1805, establishing Michigan Territory (Land laws, page 514), the territory is described as comprising:

"All that part of the Indiana Territory which lies north of a line drawn east from the southern bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn, etc., etc."

In compliance with the requisition of the President, I have the honor to make to you the following report:

Under the provisions of the act of Congress, approved May 20, 1812, entitled "An act to authorize the President of the United States to ascertain and designate certain boundaries," the Surveyor-General, under the direction of the President of the United States, was

"Authorized and required (as soon as the consent of the Indians can be obtained) to cause to be surveyed, marked and designated so much of the western and northern boundaries of the State of Ohio which have not already been ascertained, as dividing said State from the Territories of Indiana and Michigan, agreeably to the boundaries as established by the act entitled 'An act to enable the people of the eastern division of the territory northwest of the River Ohio, to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States and for other purposes,' passed April 30, 1802; and to cause to be made a plat or plan of so much of the boundary line, as may form the southerly extreme of Lake Michigan to Lake Erie, particularly noting the place where the said line intersects the margin of said lake, and to return the same when made to Congress."

Owing to that section of country being during that year the scene of Indian warfare, no measures were at that time taken to carry that act into effect.

The first communication on record from the Commissioner of the General Land office to the Surveyor-General wherein allusion is made to the act of May 20, 1812, above alluded to, is a letter dated March 23, 1815, giving some general instructions as to the *then* contemplated survey of a portion of the Michigan Territory for satisfying Military bounty land warrants granted for services during the late war.

The intention of those instructions appears to be merely

precautionary lest the contemplated survey for *Military bounties* in that territory (afterwards abandoned, however,) should possibly encroach on what might be the northern boundary of Ohio. See extract A.

The next notice of the subject is in a letter to Surveyor-General Tiffin, dated April, 1815, which is reiteration of the extract of the letter of March 23, 1815. See copy marked B.

In a letter dated January 6, 1815, Surveyor-General Tiffin says:

"I also enclose herewith a sketch of the Sandusky River, and the result of an observation made by Mr. Hough to ascertain the latitude of the most northerly cape of Miami Bay, which he has been so good as to favor me with."

"The latitude of the place of observation states Mr. Hough is $41^{\circ} 51' 50''$ —forty-one degrees, fifty-one minutes and fifty seconds.

In a letter dated August 8, 1815, addressing Surveyor-General Tiffin, the Commissioner says:

"If possible, let Mr. Hough, or some other Surveyor ascertain the latitude of the south part of Lake Michigan. The observations made for the latitude on the shore of Lake Erie are valuable, and it will be very acceptable to possess similar observations relative to the south part of Michigan."

On September 16, 1815, the Commissioner of the General Land Office addressed a letter to Surveyor-General Tiffin on the subject of the latitude of the northern Cape of the Miami of Lake Erie, containing strictures on Mr. Hough's calculations. See copy marked C.

The following is a copy of a letter from the Commissioner of the General Land Office to Surveyor-General Tiffin, dated September 20, 1815.

"I observe in the National Intelligence of this day a notice that, probably the latitude of the southern extreme of Lake Michigan, will be ascertained the coming winter. As the operations which have taken place relative to the latitude of the North Cape of the Miami of Lake Erie appear to be very incorrect, of which I gave you an account in my letter of the 16th inst., it will be best to omit for the present any further proceedings relative to the boundary between Ohio and Michigan."

P. S. In my letter of the 16th for 'Geographical miles', read "English miles."

Paper D. Is a copy of a letter from the Commissioner of the General Land Office to the President of the United States, dated September 20, 1815, on the subject of running the western and northern boundaries of Ohio and suggesting that Andrew Ellicott should be employed on that service.

On October 2, 1815, the Commissioner addressed Surveyor-General Tiffin a letter of which the following is an extract:

"I have had communication with the President on the subject of the northern boundary of Ohio, and I advise that Mr. Hough should take no farther trouble in that business."

On August 22, 1816, the Commissioner of the G. L. O. informed the Surveyor-General that in consequence of the receipt of a letter from Mr. Creighton of Chillicothe, urging the necessity of having the northern boundary of Ohio run and established during that year, he had submitted the question to the President, who had directed him to have it run and marked agreeably to the act of May 20, 1812. On December 1, 1817, the Surveyor-General transmitted to this office a copy of the plat and field notes of the western and northern boundaries of Ohio, and stated that as the question of jurisdiction between Ohio and Michigan excited some interest, he enclosed copies of his correspondence with Governors Worthington and Cass on the subject. See document E. E.

The plat thus transmitted, shows that Mr. Harris, the Deputy employed to execute the work ran the western boundary from the old Indian boundary, northwesterly 97 miles; that from this point he ran a random line north, $84^{\circ} 42'$, east, 71 miles, 67 chains and 67 links; that from the 70th mile post, he made offsets south, 5 miles; west, 2 miles and south, 5 miles, 50 links, to ascertain the connection of his random line with the North Cape of the Miami Bay, that from this North Cape he ran and marked a line, as the northern boundary of the State, south, $87^{\circ} 42'$, west, 71 miles and 72 chains, when he intersected his western boundary line 89 miles, 21 chains and 87 links from the old Indian boundary. The copy of the field notes refers to the following lines, viz.: 1st—The western line of Ohio (being the

continuation of the line between Ohio and Indiana (from the old Indian boundary near Fort Recovery, running north 89 miles, 21 chains and 87 links to what Harris calls the "Northwest corner of the State." 2d—The random line commencing on the western line of the State, as extended to the 97 mile post from the old Indian boundary and running north, $84^{\circ} 42'$, east for 71 miles, 67 chains and 67 links. 3d—The line run from the North Cape of the Miami Bay south, $87^{\circ} 42'$, west, to its intersection with the western line of the State at said "Northwest corner." (This line was intended to be in a direct course from the North Cape to the south extreme of Lake Michigan), and 4th—A line running east for 130 miles, 71 chains, 42 links from the southern extremity of Lake Michigan to the line between Ohio and Indiana, which it intersected 5 miles, 24 chains and 64 links below what Harris designated as the Northwest corner.

The field notes do not state the latitude of any position, but in the letter of the Surveyor-General to Governor Cass before referred to, it is stated that the deputy commenced his operations at the southerly extreme of Lake Michigan, and found that an one east line would strike Lake Erie seven miles and forty-nine chains south of the most northerly cape of the Miami Bay—and that "by his observations he found the latitude at the southerly extreme of Lake Michigan to be $41^{\circ} 37' 19''$, and at the most northerly Cape of the Miami Bay $41^{\circ} 51' 50''$, a difference of $14' 31''$. The latitude of the North Cape it is perceived is the same as that given by Mr. Hough, whose calculations were pronounced by Mr. Commissioner Meigs as being erroneous by his letters to Mr. Tiffin of September 16, and 26, 1815.

All the foregoing papers were transmitted by the Commissioner to the Secretary of the Treasury on December 9, 1817, and on the same day the Commissioner in acknowledging the receipt of the letters and papers, sent by the Surveyor-General, expressed to him his surprise that the lines had been run as he "was not authorized to cause those boundaries to be run without further orders," and referred to his letters to him of September 20, and October 2, 10, and 19, 1815. To this communication the Surveyor-General replied on December 17, 1817, by forwarding a copy of the letter of the Commissioner to him of August 22,

1816, ordering the survey to be made agreeably to the act of August 22, 1816, ordering the survey to be made agreeably to the act of 1812.

In the Senate of the United States on December 17, 1817, a committee of which Mr. Morrow was chairman, was appointed to "inquire whether any, and if any, what legislative provision is necessary to be made for ascertaining and establishing the northern boundary of the State of Ohio, and that they have leave to report by bill or otherwise."

It may be fairly inferred that all these papers were sent by the Secretary of the Treasury to this committee, as Mr. Morrow by letter to him dated April 20, 1818, returned them to the Secretary of the Treasury, with a memorial of the Legislative Council of Michigan to Congress, dated January 3, 1818, in relation to this line. In this letter Mr. Morrow states that:

"On comparing the returns of the Surveyor-General with the law directing the survey, there appears to be a want of accordance. The fact is not ascertained whether the line designated by the Ordinance of 1787, will intersect Lake Erie east of the mouth of Miami River with that accuracy which was intended by Congress. The Commissioner made no report on the subject, believing the Executive has the power to cause the survey to be made in the manner the law directed, and that Congress could not properly legislate on the subject until such survey shall be made."

This letter, with all the accompanying papers, was sent to the General Land Office by the Secretary of the Treasury on May 8, 1818, "for a report showing the irregularity, or defect of the attempt which has been made to survey and mark the northern boundary line of the State of Ohio, agreeably to the ordinance of 1787 and the act of 1802 for admitting the eastern territory northwest of the Ohio into the Union." To this letter the Commissioner made the reply of June 5, 1818, marked F.

On June 24, 1818, the Secretary of the Treasury directed the Commissioner to have the northern boundary of Ohio run and marked in conformity to the provisions of the act of May 20, 1812, and on June 29, 1818, the Commissioner directed the Surveyor-General accordingly.

On November 2, 1818, the Surveyor-General transmitted to the Commissioner the plat and field notes of the northern bound-

ary of Ohio, as run in compliance with the order of June 29, by John A. Fulton, Mr. Harris to whom the job was offered having declined to act. The field notes state that the survey was commenced at the *point on the western boundary of the State where the line run by Harris east from the southern extremity of Lake Michigan intersected that boundary*, and called by Mr. Fulton the northwest corner of the State of Ohio, and the line was run east eighty miles and forty chains to the shore of Lake Erie. These field notes do not state the latitude of the line at any point, but by the plat it appears that the latitude of the point of the commencement of his line on the line between Ohio and Indiana was $41^{\circ} 32' 47''$, at the thirty-five mile east thereof it was $41^{\circ} 32' 40''$ and at the intersection of the line with the Lake Erie it was $41^{\circ} 31' 38''$. None of the papers show that Mr. Fulton ever took the latitude of the south extreme of Lake Michigan.

Duplicate copies of the plat of the surveys by Mr. Fulton and Mr. Harris were sent by the Commissioner to the Secretary of the Treasury on March 7, 1820, who, upon the same day transmitted them to the President in a letter of the following purport, viz.:

"Pursuant to the provisions of the act of May 20, 1812, entitled 'An act to authorize the President of the United States to ascertain and designate certain boundaries,' the northern and western boundaries of the State of Ohio have been run and marked. Copies of the plats, or plans of the said boundaries are herewith submitted, in order that they may be communicated to Congress."

And on March 8 the President transmitted them to the House of Representatives with the following message:

"I transmit to Congress a report from the Secretary of the Treasury, which, with the accompanying documents, will show that the act of May 20, 1812, respecting the northern and western boundaries of the State of Ohio, has been executed."

The next document in order of date to which I can refer is the printed report made to the House of Representatives on March 18, 1828, by the Hon. Mr. Strong from the Committee on Territories, recommending that the latitude of sundry points be correctly ascertained. See paper G.

Accordingly on July 14, 1832, an act was passed directing

the President to cause to be ascertained by accurate observations the latitude and longitude of the following positions, viz.: The southerly extreme of Lake Michigan, the point on the Miami of the Lake which is due east therefrom, the most northerly cape of the Miami Bay, of the most southerly point in the northern boundary line of the United States in Lake Erie, the point at which a direct line from the southern extreme of Lake Michigan to the most southerly point said northern boundary of the United States will intersect the Miami River and Bay; also the point on the Mississippi which is due west from the southerly extreme of Lake Michigan. The time limited for making these observations was extended to December 31, 1835, by the 5th section of the general appropriation law of March 2, 1833.

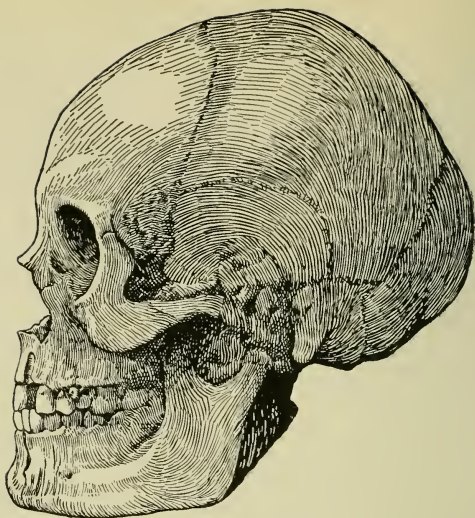
The results furnished by these observations have not been communicated to this office, but in a letter from Captain Talcott, by whom they were made, to General Gratiot, dated March 27 last, he states that, as at that time he was separated from all the papers relating to that subject, he was only able to state generally from recollection the results arrived at, which were: "The due east line from the foot, or most southern bend of Lake Michigan, will intersect the Maumee River very near the line as run and marked by Commissioners; it will not vary from it 300 yards." The other points in this letter refer to the boundary line in the lake.

The line thus referred to by Captain Talcott must be the line run by Fulton, as that is the only line run which has intersected the Miami River.

All of which is respectfully submitted.

P. S.—Since the foregoing was written I have obtained a copy of the Document No. 497, House of Representatives, first session Twenty-third Congress, being Captain Talcott's report of the observations made by him in 1833 under the act of 1832, which is hereto annexed marked H. By the table annexed to the report it will be perceived that he ascertained the latitude of the south bend of Lake Michigan "to be $41^{\circ} 37' 7'' 9$ " and of the "bay point, or north cape of Maumee Bay, $41^{\circ} 44' 2'' 4$."

The following pages are copy of a paper on file in the General Land Office, Washington, bearing the following endorsement



TYPICAL FT. ANCIENT CRANIUM. (STONE GRAVE.) ABOUT $\frac{1}{3}$ SIZE.



BONE AWLS AND LONG SCRAPER, FT. ANCIENT. ABOUT $\frac{2}{3}$ SIZE.

“MR. HOWARD’S VIEWS, NORTH BOUNDARY OF OHIO”—COPY
OF DOCUMENT RECEIVED IN B. C. HOWARD’S LETTER
OF APRIL 25, 1835—RECEIVED AT DEPART-
MENT OF STATE MAY 5, 1835.

The Attorney General in his lucid opinion says :

“The merits of the controversy were fully discussed before committees of the last Congress by Mr. Vinton, one of the members of the House of Representatives for the State of Ohio, in behalf of the delegation of that State, and Mr. Lyon, the delegate from the Territory of Michigan, in elaborate written arguments, which have since been printed for the use of Congress. In the references hereinafter made to the claims and arguments of the respective parties, it will be understood that I refer to these papers, unless some other reference is expressly named.”

It is presumed also that he had before him a map, recently issued by David H. Burr, upon which there are drawn two lines from the southern extreme of Lake Michigan; one mentioned as the “Boundary line as claimed by Ohio, surveyed by Harris in 1817,” and the other “Northern boundary of Ohio as surveyed according to the act of Congress, May 20, 1812. Surveyed in 1818, bearing due east from the south bend of Lake Michigan.”

The inquiry becomes interesting, whether any facts exist, bearing upon the question submitted to the Attorney General, which are not noticed in the papers thus stated to be the foundation of his opinion. It is by no means asserted that there are, but the object of this memorandum is to place one or two before the eyes of that eminent Jurist, in order that he may judge of their importance or immateriality.

The opinion says :

“By the act of May 20, 1812, the President was directed to cause to be surveyed, marked and designated, so much of the western and northern boundaries of the State of Ohio, not already ascertained, as divides the State from Indiana and Michigan, agreeably to the act of April 30, 1802. The line marked in pursuance of this law, is the one which has hitherto formed the actual boundary of the State, and to which the Territorial authorities of Michigan now hold and claim jurisdiction.”

The facts supposed to exist and not referred to in the papers submitted to the Attorney General, are: That the line which

purports, upon the map heretofore mentioned, to bear "due east from the south bend of Lake Michigan" is not an east and west line upon a parallel of latitude; that it was not so reported by the surveyor who ran it; that, on the contrary, a due east and west line, upon a parallel of latitude as run by him would have been nearly co-incident with Harris's; and that no east and west line has ever been run and finally sanctioned by an officer of the Government.

Should these ideas be correct, the question then occurs, what is the line up to which the President is required to enforce the jurisdiction of Michigan under the act of 1805?

It may be proper to consider briefly how it has happened that the thorough investigation of the respective titles of the State and Territory, conducted upon each side with distinguished ability, did not bring before the notice of the committee to whom the arguments were addressed, the circumstances which it is the intention of the writer of this note to set forth. The explanation is easy. The question of ultimate title is altogether different from the question relating to the action of the President upon the question of possession. For the purpose of sustaining the title upon either side, it is of no consequence whether an east and west line has ever been run or not, except to ascertain a fact upon which, according to the argument of Ohio, the proviso in her Constitution becomes operative, and which the line as run was thought sufficiently to establish; but after the decision of Congress should have been pronounced, no matter in whose favor it might have been, the subsequent running of the adopted line would be a mere ministerial act. Hence, the argument was properly dis-embarrassed from points which could only have obscured it. A cursory examination of the documents upon both sides will show that the facts relating to the existence and history of the two lines were not brought into view.

Mr. Woodbridge in his letter to the Governor of Ohio, dated August 11, 1820, says: "The act of 1812 again recognizes the same line," meaning Fulton's line and taking no notice whatever of Harris's (Senate Doct., 23d Congress, 1st session, No. 354, page 36).

Governor Cass in his message to the Legislative Council,

dated, January 5, 1831, refers to the line which was run under a fresh appropriation by Congress on April 16, 1816, as being run "in conformity with the various acts of Congress from the southerly extreme of Lake Michigan to Lake Erie," meaning Fulton's line and taking no notice of Harris's (same document, page 30).

Governor Brown in his answer to Mr. Woodbridge, dated September 20, 1820, rests the claim of Ohio upon the acceptance of her Constitution, and says nothing about any line (same document, page 39).

Mr. Lyon in his letter to Mr. Williams, dated January, 1834, speaks of the line run in 1818 and takes no notice of Harris's (same document, page 10).

Mr. Vinton in his letter to Mr. Tipton, dated January, 1834, says: "The execution of this act (of 1812) was prevented by the war and other causes till the year 1818, when the line was run by the United States," taking no notice of Harris's line; and again "After the running of the line which was unavoidably erroneous, it having been run from a station more than a hundred and fifty miles west of the western boundary of the State, and, as is understood, with a surveyor's compass and chain," etc. (page 67), and again in the argument of a page (page 68) he speaks altogether of Fulton's line, leaving Harris's entirely out of view.

Judge Doty in his report to the Legislative Council (same Document, page 45) dated March 5, 1834, refers to the act of 1812, to show that the words of that act call for the boundaries established by the act of 1812, April 30th.

The history of the two lines is believed to be in substance this. Under the act of 1802, put into activity by a fresh appropriation in 1816, instructions were issued that the line should be run according to the constitution of Ohio; and it was run by Harris in 1817 in a direct line as marked upon Burr's map, upon complaint being made, fresh instructions were issued and another line run by Mr. Fulton in 1818, who ran by the compass due east from the southern extreme of Lake Michigan to Lake Erie. He ascertained the latitude of the place of starting to be $41^{\circ} 38' 58''$ and upon taking an observation when he touched the

State of Ohio, found himself to be in $41^{\circ} 32' 47''$ having got several miles to the southward. Continuing his course to Lake Erie, he found himself to be then in $41^{\circ} 31' 38''$, making a difference of seven minutes and twenty seconds in latitude between the commencement and termination of his line.

These figures are taken from a report made by Mr. Strong, a member of the committee on the territories on December 10, 1828, referring to and adopting a report made by a former committee on March 18, 1828. It has been stated by two of the old inhabitants on the Maumee, who remember the circumstances attending the running of the line, that Fulton found himself to be in a different latitude by $7' 20''$ upon his arrival at the lake from that in which he started; and the precise correspondence of this tradition with Mr. Strong's report leaves no doubt in the mind of the writer of the correctness of both. This tradition further says that when Fulton came to make an allowance for his being $7' 20''$ too far to the south, he found that it would bring him to a point so near the one which Harris had reached the year before, that it became unnecessary to prosecute his inquiries any further.

Supposing that Mr. Strong deduced his information from Fulton's report (and it is difficult to imagine from what other source he could have drawn it), it follows, that the line upon Burr's map which is drawn as an east and west line, corresponding in latitude at both ends, is not so, and that Fulton did not so report it. The termination of that line at Lake Erie is stated upon the map to be precisely in the same latitude as the southern extreme of Lake Michigan, viz: $41^{\circ} 37' 07''$: and although the recent observations of Mr. Talcott may have corrected the observations of Mr. Fulton as to the actual position of the southern extreme of Lake Michigan, yet it is impossible to believe that this precise latitude is the one, at which a line run due east by the compass would strike Lake Erie. There is a principle of mathematics in the way, of which Mr. Strong does not seem to have been aware. In his report after mentioning the latitudes of $41^{\circ} 38' 58''$,— $41^{\circ} 32' 47''$ —and $41^{\circ} 31' 38''$, as appertaining to the southern extreme of Lake Michigan, the western line of Ohio, and the termination at Lake Erie, respectively, he remarks:

"It is obvious that these cannot all be correct; if the southern extreme of Michigan be in latitude $41^{\circ} 38' 58''$ north, then a due east line would intersect the margin of Lake Erie $7' 20''$ or about seven miles north of where it does by the survey and would include nearly all the Miami Bay."

According to the principles of mathematics (unless the writer has strangely misunderstood or forgotten what he learned in former days) a line run by the compass due east is continually approximating towards the equator, owing to the compass pointing to a great circle of the sphere, instead of a parallel of latitude. Should such a line be run round the globe, the person who followed it, when he arrived under the same meridian of longitude under which he had set out, would find himself much nearer to the equator than he was when he started, having constantly receded from his original parallel of latitude and traced what is called the Lexodromic Curve. It was owing to this mathematical principle that Columbus found himself in the West Indies, upon reaching America, although he had sailed due west from a latitude nearly corresponding with that of the mouth of the Chesapeake. The materials are not at hand to calculate what the deviation in latitude would be, in running due east from Lake Michigan to Lake Erie, but it is conjectured that the difference noticed by Mr. Strong is not very remote from that which would necessarily occur. Mr. Fulton seems, therefore, to have run his line with much accuracy. The question may hereafter arise whether a due east and west line in the ordinance of 1787 means a line run by the compass or run upon a parallel of latitude. Congress appears to have decided that it means the latter by directing, in the act of 1832, the latitude of several points to be ascertained, thereby indicating that they intend to run the boundary line from some one of these points to the other.

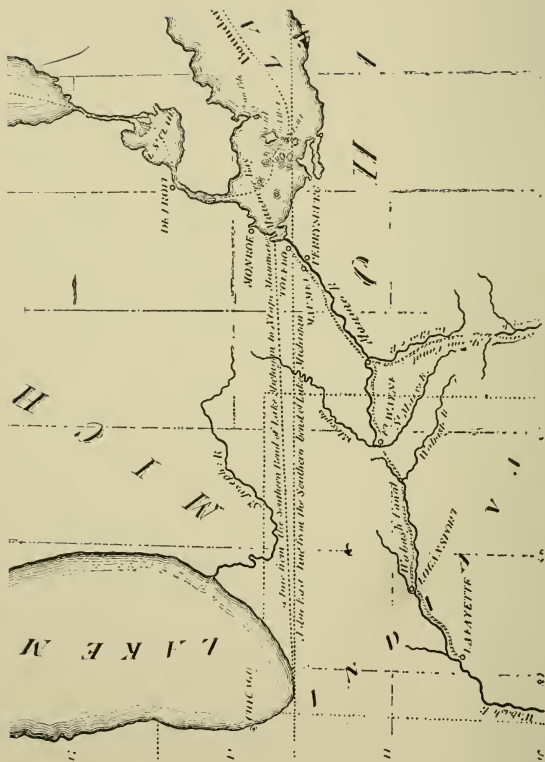
If the preceding observations be correct, it appears to follow, that the line, which purports upon Burr's map to bear due east from the southern extremity of Lake Michigan is not an east and west line by a parallel of latitude, as is stated on that map; that it was not so reported by the surveyor who ran it; that, on the contrary a due east and west line by latitude would have been nearly co-incident with Harris', and that no east and west line has ever

been established or sanctioned by the Government. To what line, then, is the President required by law to sustain the jurisdiction of Michigan in the execution of the act of 1805?

It is not for the writer to consider this question, as he might be subject to the imputation of an unwarrantable interference with matters that appertain to a tribunal, universally acknowledged to possess the highest discernment. Even for this note, the writer feels that an apology is due, which he respectfully offers in his desire to be useful, far surpassing his ability to be so.

April 25, 1835.

NOTE.—The preceeding correspondence, concerning the boundary line dispute, was delivered to me by the former secretary of the society, Mr. A. A. Graham. Although fragmentary and at points disconnected, it is nevertheless a valuable contribution to the subject and worthy of permanent preservation in this volume. These letters are published precisely as they came into my hands.—E. O. R.



THE DISPUTED BOUNDARY LINE OF OHIO AND MICHIGAN.

THE OHIO-MICHIGAN BOUNDARY LINE DISPUTE.

TOD B. GALLOWAY.

"Sing, O, Goddess Muse,
From whence arose so fierce a strife."

In the examination of the questions involved in the Ohio-Michigan boundary dispute, I find myself very much in the position of the Justice of the Peace, who, after hearing the plaintiff's side of the case, was ready to decide in his favor; but upon the defendant having presented his argument, he exclaimed, "You mix me up so, I don't know which way to decide." Therefore, I appeal to you to be judge and jury in this case, and upon hearing the facts and what law there is, which is very little, I leave you to find the verdict as ye shall deem best.

The case is the State of Ohio vs. the United States. It can not be the State of Ohio vs. Michigan, for at the time of this controversy Michigan was but a territory, and therefore only a ward of the general government. With this slight preliminary, I shall plunge at once into the statement of the whole case.

In 1817, Lewis Cass wrote to Edward Tiffin, the United States Surveyor-General, "A disputed jurisdiction is one of the greatest evils that can happen to a country." This is eminently true. All the great wars in history, aside from those involving religious disputes, have been caused by boundary line controversies or disputed jurisdictions.

In regard to the controversy between Ohio and Michigan as to the boundary line, but very little is known by this generation. Few histories have more than a meagre account of it, generally dismissing the subject with a few lines about "The Toledo War," by relating one or two of the humorous and ludicrous events incident thereto, but failing wholly to give the subject the prominence it deserves.

The contestants were not solely Governor Lucas, of Ohio, and Governor Mason, of Michigan, nor, as I said before, was it a question between the two States, or the State and the territory,

but rather between Ohio and the United States. Under the Constitution of this Republic, had Ohio occupied the disputed territory, it would have been the imperative duty of the President to resist such occupation with all the forces of the nation, if necessary, if he regarded the claims of Michigan as valid and correct.

As this question was one which came into being with the admission of Ohio into the Union, and realizing its important bearing upon the early history and later development of Ohio and Michigan, I have selected it as the subject of an address before our Archæological and Historical Society.

Mr. Fisk well says, in his "Critical Period of American History:" "Questions about public lands are often regarded as the driest of historical deadwood. Discussions about them in newspapers and magazines belong to the class of articles which the general reader usually skips. Yet there is a great deal of the philosophy of history wrapped up in this subject. * * * * * For without studying this creation of a national domain between the Alleghenies and the Mississippi, we cannot understand how our Federal Union came to be formed." The problem of dividing the great unknown West among the thirteen new States was one of the most complex and intricate questions which baffled the skill of the legislators who had so successfully grappled with the perplexities of the First Continental Congress. The individual members of our first National Congress were, as a matter of fact, ignorant of the extent of the great West. They knew almost nothing of its boundless prairies, its mighty rivers and inland seas; its primeval forests, its wealth of ores and coal. And it is interesting to remember that it was the plan which Rufus Putnam sent from the village of Rutland, Massachusetts, to Congress for the relief of indigent revolutionary soldiers, that they should be colonized between Lake Erie and the Ohio River, that was the immediate origin of the Ordinance of 1787.

In the early history of this country of ours, there was one commodity which was cheap, *i. e.*, land. It was both "dirt cheap" and "cheap dirt." These were the days when a service of oftentimes a questionable nature was repaid with three or four counties in America, from the King of England; or the introduction to Louis XIV of France of a charming mistress meant a

grant of a province; when one English favorite was endowed with a tract of land gravely described as having "a sea front of ten miles and extending westward to the limits of North America."

The story of the occupation of Canada by the French, and of all the Atlantic coast by the English, needs no repetition here. After the treaty of 1760, which ended France's power in America, all that territory north of Louisiana belonged to England; in her was the right of eminent domain, subject to the fast fading claims of France. The colonies had no rights in all this boundless stretch of country, and they had no power or right of acquiring any of this land without special grant from the crown. This point is important as bearing upon the claims which New York, Connecticut, Virginia and others, made to territory beyond the Alleghenies after the Revolution. As one author has said, "English protection preserved the great heart of this continent for Americans, and English shortsightedness produced a Union in which was the only possibility of perpetuating the titles of Americans to the great central valley."

The claims of certain of the States to territorial domain were questions which occupied the First National Congress, and, as we know, even threatened to prevent the union of the young States. Briefly, the question was, did these States have rights in this vast new territory founded upon incidents of their colonial status, or did this region belong to the United States? Had England's rights not passed to the United States, the colonies, or the States which had been colonies, would only have had such claims on the west as England might see fit to acknowledge. But England's rights *had* passed by treaty to the United States as a sovereign government, and the colonies had died without testament or issue. Had, however, either side pressed its claims too rigidly on this question, the young republic might never have lived. Thomas Jefferson and his associates took the broad, middle course in this threatening question. They held the fundamental truth to be that the general government had certain prerogatives necessary to its existence, and, on the other hand, that certain concessions to some of the new States were wiser than stringent measures. The guiding hand of Jefferson can there-

fore be seen in all the efforts to organize the Northwest territory, and the Ordinance of 1787 was the fruit not only of Jefferson's labors, but of the best wisdom of the best minds in America. While it is true that Jefferson was in Paris on a mission when the Ordinance was adopted, yet the principles of his proposed Ordinance of 1784 were incorporated in framing it. This ordinance, secured at the cost of a few concessions, that of the Western Reserve to Connecticut and the Military Reservation in Ohio to Virginia, was, as has been said, "one of the wisest and most far-seeing provisions of a time when wisdom and foresight seem to have been especially granted to public men."

"I doubt," said Daniel Webster, "whether one single law of any law-giver, ancient or modern, has produced effects of more distinct, marked and lasting character than the Ordinance of 1787." In sagacity, wisdom and foresight, it has never been surpassed. It has stood the test of time for more than one hundred years; it has been the corner stone of territorial governments since its adoption. Our fathers framed laws like the Patriarchs of old.

However, among the documents in this case, of Ohio vs. The United States *ex rel.* Michigan, one article of this remarkable State paper, viz., No. 5, is the only one involved in the issues in the case. It reads as follows:

"There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to-wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line; *provided,*

however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent Constitution and State Government; *provided*, the Constitution and Government, so to be formed, shall be Republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

In the consideration of this article of the ordinance, I omit mention of all the details of the negotiations between Congress and the Legislature of Virginia relative to the cession by Virginia of certain territorial rights north of the Ohio River. In brief, however, Virginia proposed that the northern boundary of the States to be formed in the future should be an east and west line running due east of the Mississippi River, touching the southern point of Lake Michigan; but Congress decided that in fixing the boundaries, due regard should be paid to the natural conditions and the variety of circumstances which would grow out of a more perfect knowledge of the country. Virginia had wished the boundaries to be blocked out without regard to rivers, mountains, lakes or barren land.

When Congress adopted the Ordinance of 1787, the country in the vicinity of Lake Michigan was practically unknown. It was thronged with savages and rarely visited by white men. Even at a much later period there were few who could boast that they had penetrated to within fifty miles of the southern point of Lake Michigan. The map which was relied upon by the congressional committee in framing the ordinance was Mitchell's, which had been published in 1755. This same map was also

used by our commissioners in negotiating the Treaty of Paris in 1783. On it few, very few, of the natural objects in the Northwest territory were correctly delineated. The longitude and latitude of the various rivers were all wrong, while in regard to Lake Michigan, a most grave error was present, which was the whole cause of the boundary difficulty.

I wish that I might show you a copy of this interesting old map, as it would illustrate to you how easily Congress was led into its mistake. On it Lake Michigan is represented as not larger than Lake Huron, and trending from the north decidedly to the southeast; whereas, we know it is much larger than Lake Huron, and its trend is to the southwest. By it the southern boundary of Lake Michigan was laid down as being near the forty-second degree of north latitude, and by that error an east and west line from Lake Michigan to Canada intercepted the present strait between Detroit and the Raisin River. A pencil line was drawn on this map indicating such a line, and upon that line the committee and Congress manifestly intended the northern boundary of Ohio to be located. Indeed a number of maps in the State Department of a later date all follow Mitchell's location of Lake Michigan.

Things went along smoothly for some time. Our pioneer fathers, in happy—or unhappy, as the sequels shows—ignorance of the topography of our western country, continued the uneven tenor of their ways, making war on the aborigines and obeying the Biblical injunction to people the land.

In 1802, Ohio had reached the period when she decided she was ready to assume the maturer robes of statehood. In that year the convention was held in Chillicothe to frame a constitution for the State, and under the prevailing and natural impression that the old maps were correct, the convention was about to locate the northern boundary in conformity with this opinion, believing the line would terminate far above Maumee Bay. While in the midst of this discussion, there happened in the convention an old trapper who had hunted for years on Lake Michigan. He announced to them that he was thoroughly conversant with the country, and that they were mistaken, that Lake Michigan extended much farther south than was generally

supposed. Can we not picture the old trapper with his squirrel-skin cap, clad in buckskin, imparting this bit of information to the astonished and bewildered convention? Consternation, doubt, indecision and perplexity? Gallileo proclaiming to the Prelates that the world was round, or Columbus announcing to the Court of Ferdinand and Isabella that he discovered a new world, could not have produced a more profound sensation than this statement of our trapper friend. Accordingly, the convention arranged the boundary of the State in conformity with the provision of Congress with this proviso: "*Provided always*, and it is hereby fully understood and declared by this convention, that if the southern boundary or extremity of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami River of the lake, then, *and in that case*, with the assent of Congress of the United States, the northern boundary of this State shall be established by and extended to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami, thence northeast to the territorial line, and by the said territorial line to the said Pennsylvania line."

Some of the members of the convention were so anxious to establish a State government as soon as possible, that they hesitated lest this proviso might cause delay; but it was however, adopted by the convention.

When this constitution was submitted to Congress, this proviso was never directly rejected nor ratified. Ohio always claimed that the acceptance by Congress of this constitution was a ratification of this proviso, while Michigan thought from the fact that Congress did not expressly ratify the proviso, it was void and without effect. Certain it was, that Ohio herself never seemed satisfied with her position, and repeatedly attempted to have Congress ratify the boundary which terminated at the mouth of Maumee Bay, while Michigan exercised territorial jurisdiction over the disputed piece of ground, which was about 360 square miles, on the ground that under the Ordinance of 1787, they had a vested right to all the territory north of an

east and west line, drawn from the southern end of Lake Michigan; and these territorial authorities appointed officers, collected taxes, granted charters to corporations, who continued without contention to exercise their corporate functions. The disputed territory running along the north of Ohio was eight miles wide in the east, diminishing to five miles in the west. The land included some of the Connecticut Reserve. It was farming land, and was destined to command much of the commerce of Lake Erie. It was particularly important as containing the valuable harbor of Maumee Bay.

Over nine years after the admission of Ohio as a State, in January, 1812, we find the then collector of the Port of Miami addressed a letter to Return Jonathan Meigs, Governor of Ohio, on behalf of the fifty families comprising the population of that district, urging him to give an opinion upon the position of the boundary line, and asking for a speedy settlement of the question. At that time the United States was on the verge of a war with Great Britain, and it so quickly followed that the boundary line question was wholly lost sight of in the more serious problem of preserving our national existence; and this was particularly true in the northern part of Ohio and in the vicinity of Detroit, on account of their proximity to the territory of the common enemy. However, after being repeatedly urged by Ohio, through its representatives, Congress appointed a committee on January 4, 1812, to examine into the expediency of approving the northern boundary of Ohio, as set forth in the proviso to its constitution, which shows conclusively that Ohio did not feel that the ratification in 1803, by Congress, of her constitution had been a ratification of her proviso on the boundary matter. Accordingly, Congress by law directed the Surveyor-General to have surveyed, marked and designated a line agreeably to the line established by Ohio's proviso of her constitution in 1802, and to have a plan of the same returned to Congress. On account of the intervention of the war of 1812, this survey was not made until 1817. At that time William Harris was directed by the Surveyor-General to make the survey, which he did, and the line was known as Harris' line. At the same time, through the influence of General Lewis Cass, Territorial Governor

of Michigan, who was a close political and personal friend of the President, another survey was made for the government by John A. Fulton, which was known as Fulton's line. This line conformed to the claims of Michigan.

On the 29th of January, 1818, the General Assembly of Ohio declared they would consider Harris' line as the boundary. But as Congress, for some inexplicable reason, did not confirm either Harris' or Fulton's lines, this declaration on the part of our legislature did not have much weight.

When this controversy began, the disputed territory was occupied chiefly by Indians, and naturally the solution of the question was not one of much moment; but after the war of 1812, when the territory began to be occupied by the whites, these inhabitants of the infant settlement became quite anxious for a decision. In 1823, Horatio Conant, on behalf of the residents of the disputed strip, addressed a letter to Hon Ethan A. Brown, Ohio's Senator, begging for a speedy decision. Nevertheless, nothing seems to have been done until it became known that Michigan was about to apply for admission into the Union. On December 14, 1831, the Legislature of Ohio addressed a memorial to Congress, praying that measures might be adopted for a speedy and final establishment of the dividing line. Accordingly, on July 14, the President by law was directed to have a third survey made to find the exact longitude and latitude of the southern extremity of Lake Michigan, the same of the north cape on Maumee Bay, and also where a direct line from the southern extremity of Lake Michigan would intersect Lake Erie. This was done, and that is all that was done. Congress having not yet ratified either the Harris or Fulton line.

In 1835, matters reached a crisis. Owing to the growth of the State of Ohio, it was found imperative to build a canal connecting the Miami of the South with the Maumee River, or, as it was then known, the Miami of the North. The citizens of the rapidly growing village of Toledo, by their urgent demands, induced Governor Lucas to bring the matter before our Legislature by a special message, and on February 23, 1835, the Legislature passed an act extending the northern boundaries of the counties,

of Wood, Henry and Williams to the Harris line. This act read as follows :

“That such part of the territory declared by this act as being attached to the county of Wood, shall be erected into townships, as follows, to-wit: Such part of ranges five and six as lies between the line run due east from the southern extremity of Lake Michigan and the line run from the said southern extremity to the most northern cape of the Maumee Bay, be and the same is hereby erected into a separate and distinct township by the name of Sylvania; and that all such parts of ranges seven and eight, together with the territory east of the Maumee River, as lies between the line run from the southerly extremity of Lake Michigan to the most northerly cape of the Maumee Bay, and between Lake Erie and the line run due east from the southern extremity of Lake Michigan to Lake Erie, be and the same is hereby erected into a separate and distinct township, by the name of Port Lawrence;” and further authorized and directed those townships to hold elections for township officers on the first Monday in April next, and provided for their complete organization. The Governor appointed three commissioners to run and re-mark the line, and the date of April 1 was fixed as the time to commence the survey. I cannot refrain from reading the following letter, as showing the disposition of the citizens of Toledo and the attitude of the Michigan authorities at that time:

TOLEDO, WOOD COUNTY, OHIO, *March 1, 1835.*

His Excellency, ROBERT LUCAS, Governor of Ohio:

SIR: At the request of a large number of my fellow citizens, I hasten to advise you of the aspect of our affairs in this quarter of the State, that your Excellency may adopt such measures to protect their rights and maintain the laws of the State, as under existing circumstances may be deemed necessary.

A notice was last week issued, calling a meeting at Tremainsville of the citizens of that portion of the State of Ohio lying north of an east and west line drawn through the southern extreme or bend of Lake Michigan, and which had heretofore been under the temporary jurisdiction of the territorial government of Michigan. The object of this meeting was to spread intelligence among the people, and to prepare them for the extension of the jurisdiction of the State to its entire constitutional limits, and to guard against any chance of division by the industrious efforts of cer-

tain emissaries, who had been sent out by the acting Governor of Michigan to create an interest in favor of the territory, and to prevent the operation of the laws of Ohio. The meeting assembled yesterday afternoon to the number of some three hundred persons. A deputation was sent out from Michigan consisting of General Brown, of Lenawee county; General Humphrey, of Monroe; Mr. Bacon, of the Legislative Council, and a number of the judicial and military officers of Monroe county, ostensibly to confer and consult with our citizens, but whose real object was to overawe and divide our meeting. As the nature of their visit was understood, a resolution was unanimously passed, at the commencement of the meeting, inviting all strangers who might feel any interest in its proceedings to attend, but declaring it 'indecorous, improper and out of order' for any person to take part in its deliberations who was not interested as a *resident* of Ohio, or called by the language of the notice under which we had assembled.

Notwithstanding this decisive and unanimous resolution of our citizens, repeated efforts were made by General Brown, through his associates, to get a hearing from our audience, and to procure the reading of an order from the acting Governor of Michigan. It at length came into the hands of a citizen, who happened to be in the Michigan interest, and who had just received a commission from Governor Mason, and the order was by him offered to the meeting, and permission asked to read it aloud; but as soon as the *signature* was discovered, it was indignantly rejected by the meeting, and its reading declared out of order, according to the spirit of our first resolution. The purport of this order, as I afterwards learned, was certain instructions from acting Governor Mason to General Brown, to proceed forthwith to this place, and other towns in the northwestern part of Ohio, and to ascertain what public officers were in the interest of the State, for the purpose of having them removed, and replaced by others more loyal to the cause of Michigan. And if, after all his efforts, he could not create a division, or raise a party among our citizens sufficiently strong to maintain the laws of Michigan, then to raise a posse and proceed forthwith with the public authorities of the adjacent counties, and forcibly support the jurisdiction of Michigan, and, particularly, to put into effect the late unconstitutional and unprecedented enactment of the Legislative Council of the territory, subjecting our citizens to a fine of one thousand dollars and imprisonment at hard labor for a term of five years, if they should so far assert their rights as to receive or hold a commission under the State, from whose constitution they had a right to claim protection. But notwithstanding all this, and in the very presence of these very gentlemen who had come to promulgate these mandates—to put into execution these instructions, and to overawe the populace when the special message of your Excellency, and the resolutions and enactments of the General Assembly of Ohio, extending to them their rights as citizens of the State, and the protection of its laws were read, the meeting strongly and firmly

resolved to support the laws and constitution of Ohio. To this resolution there were but four or five voices in the negative.

After the meeting had adjourned, General Brown read his order to the populace, and assured them that the laws of Michigan should be enforced, and that before the State of Ohio should extend her jurisdiction over this part of her constitutional limits, *she would have to march over the dead bodies of that portion of her citizens who had heretofore been under the jurisdiction of Michigan.*

Every effort has been made by General Brown and his emissaries to create divisions and intimidate our citizens. For this purpose threats were used—the aid of the General Government was freely pledged to those who would come out on the side of Michigan—and where intimidation and threats failed to produce the effect, commissions were freely offered and granted.

I herewith send you the last number of the *Michigan Sentinel*, from which your Excellency will be able to gather the feelings and sentiments of the citizens of that part of the territory upon the subject, which, from its immediate vicinity and from its former relations to us, has in its power materially to harass and oppress our citizens.

With sentiments of deepest respect, I am, sir, your Excellency's obedient servant,

ANDREW PALMER.

Can we not, in our mind's eye, fancy the excitement that the receipt of this and other such letters produced in this borough of Columbus during the sitting of the legislature, just sixty years ago last month? For at that time Columbus had evolved from the village moth into the butterfly borough. When the tri-weekly stage from the North would arrive at Col. Noble's pretentious National Hotel, the lineal ancestor of the Neil House, can we not picture the eager gathering of loyal Buckeyes to ascertain the latest news from the seat of war; and what arguments among the members of the General Assembly over their hot toddies in the genial bar-rooms of the Red Lion, the White Horse Tavern, and particularly at the Swan Tavern, where the legislators were extremely fond of stopping with mine host, Mr. Heyl?

The acting Governor and Secretary of the Territory of Michigan at this time was Stevens T. Mason, a very young Virginian.

We must remember that this was the period in our National history when Andrew Jackson had introduced the idea that

"to the victor belongs the spoils"; and this principle was to and did actuate and control all appointments. As Hon. Thomas Cooley says, in his excellent history of Michigan:

"As the people of the territories had no vote, they constituted no part of the victors who had captured and taken possession of the general government, and were, therefore, entitled to no consideration in the distribution of rewards. These must go to Virginia, Pennsylvania and other States, where many citizens who had shown their patriotism by their labors in electing the president were now waiting in expectation of receiving their share in the division of what had been won at that election. Personal fitness for office was found in the fact that claims had been established by labors in securing the election of the presidential incumbent, and this, if not sufficient for all cases, would seem to have been thought ample in the case of a merely territorial position. But circumstances of a more personal nature might also have some influence, and it therefore caused no surprise when Mr. John T. Mason, of Virginia, brother-in-law to the late Postmaster-General Barry, but wholly ignorant of the territory and its people, was appointed territorial secretary. What fitness he might have developed for the office, no one can tell, as he soon elected not to discharge its duties, and went abroad on an enterprise for private parties. The president thereupon transferred the appointment to Stevens T. Mason, his son. The only reason ever advanced for this selection, and the only one that could have existed, was that the father requested it.

"The appointment of a successor to Governor Cass had not as yet been made, and by law the new secretary would be acting governor and also acting superintendent of Indian affairs. A rumor soon spread that young Mason was under the age of legal majority; that, in fact, he was but nineteen years of age; and his personal appearance indicated the truth of the rumor. A committee of citizens was thereupon appointed to inquire into the facts; and on calling upon him was frankly told by the young gentlemen that he was indeed under age, but he added that the President very well knew the fact when he made the appointment. Young as the secretary was, he had not failed to imbibe the spirit which was dictating the distribution of political

favours; and he justified the appointment to the committee on the ground that the emoluments of the office were needed for the support of his father's family while the father was absent from the country. To a committee, some of whose members had the old-fashioned notion that offices were to be created and filled on public, not on private considerations, the reason assigned seemed only an aggravation of the original wrong. The papers of the day declared that the people of the territory were outraged by this attempt to place a boy in authority over gray heads. Even the Indians, it was said, would know better than this. 'They know, if we do not, that age and talents are to be treated with respect, and that boys are not to mingle in the councils of the elders, much less to assume authority over them.' But the people wasted breath and the editors their ink. The President was taking care of his friends, and was making precedents to be followed and enjoyed by many successors. If it pleased him to send a boy to sit in the seat of Cass and play governor, complaints of the people concerned would no more move him than the howling of wild beasts in their forests. The official organ at Washington, a large part of whose business it was to defend removals made at the mere will of the President, did indeed take notice of the complaints, but only to advance, with assumed gravity in reply to their protests, that as young Mason, whether properly appointed or not, was now in office, he could not, with propriety, be removed so long as he was not guilty of official misconduct; and with this answer the people were forced to content themselves as best they might."

Accordingly, the warm blood of the young Southerner was fired, and he promptly proceeded to anticipate the action of the Ohio Legislature. He sent a special message to the Legislative Council of Michigan, informing them of the special message of Governor Lucas, and advising the passage of an act to counteract the actions of Ohio, which as we learn from the Toledo letter we read, was done 11 days before Governor Lucas sent his special message to the General Assembly of Ohio. Ohio evidently had an enemy in her own camp, as the following letter of Governor Mason to General Brown, commanding the third division of Michigan militia, shows:

“EXECUTIVE OFFICE, *Detroit, March 9, 1835.*

“SIR: You will herewith receive a copy of a letter just received from Columbus. You now perceive that a collision between Ohio and Michigan is inevitable, and will therefore be prepared to meet the crisis. The Governor of Ohio has issued a proclamation, but I have neither received it nor have I ever been able to learn its tendency. You will use every exertion to obtain the earliest information of the military movements of our adversary, as I shall assume the responsibility of sending you such arms, etc., as may be necessary for your successful operation, without waiting for an order from the Secretary of War, so soon as Ohio is properly in the field. Till then I am compelled to await the direction of the War Department.

“Very respectfully your obedient servant,

STEVENS T. MASON.

GENERAL JOS. W. BROWN.”

But we must change our point of observation and move to the front with the troops. On March 31, Governor Lucas, with his staff and his recently appointed boundary commissioners, arrived at Perryville to re-mark the Harris line, in conformity with the law passed February 3. At the same time arrived there General John Bell, in command of a volunteer force of about six hundred men, fully equipped with the sinews of war. These troops went into camp at old Fort Miami, awaiting the orders of General Lucas, as Commander-in-Chief of Ohio's militia.

In the meantime, the young Acting Governor of Michigan, with his chief of staff and a force estimated between eight and twelve hundred, arrived at Toledo and went into camp, prepared to resist to the bitter end any attempt of Ohio's force to invade the disputed territory.

It is quite unnecessary to add that the inhabitants of both States were wild with excitement. The two governors had, by special messages to their respective legislatures, so committed themselves that a trial by battle seemed the only alternative; and Governor Lucas determined to move upon Toledo with all his force at once.

Columbus was not without its participants in this cruel war. This village was stirred to its young foundations with excitement, and the young men of that time, clerks, lawyers, doctors—everybody was enthused with the gory intention of wiping out the blot on the fair escutcheon of Ohio. Among others of that time,

when Governor Lucas was about to set out for the seat of war, Mr. Frank Work, now of New York City, and the late John G. Deshler, both then of this city, volunteered as aids to the Governor. When arrayed in the full panoply of war, while in camp at Fort Miami, they undertook to forage for supplies for Ohio's brave defenders. They set out one afternoon well supplied with flasks of corn juice as distilled in those days, and after a successful expedition, were returning home to camp, the saddles well hung with chickens, fruit and other provender, when to their horror and dismay they were captured by an equally hungry set of Michiganders. Appreciating their position, Messrs. Work and Deshler wisely determined to make the best of the situation and proposed that they all join in a feast off of the foraged goods, and saying at the same time that they would furnish the liquid refreshments. The plan was received with shouts of joy, and soon the captors and captives were enjoying the toothsome chicken and succulent roasting ears, to say nothing of the black bottle. However, the Columbus youths, while liberally supplying the enemy with whisky, took but little themselves. After awhile, the rich dinner and the liberal potations before the warm camp fire proved too much for the captors and they were lulled to sleep under the combined soothing influences, whereupon Messrs. Work and Deshler sprang to their horses and were soon within the camp of their friends.

Realizing that serious consequences would result unless something was speedily done, the President called upon his Attorney-General, Benjamin F. Butler, of New York, for his legal opinion, and he responded that until Congress gave express assent to the Ohio boundary, the disputed territory must be considered as belonging to Michigan. This reply embarrassed the President exceedingly. It was his duty, having asked the Attorney-General for his opinion, to follow it, and, in the expression of to-day, "call Governor Lucas down." But Ohio was a great State. It was, as it has since been, and certainly will be in '96, an important factor in the presidential election. The President realized that at the same time in losing the electoral vote of Ohio in the next election, he would likewise alienate Illinois and Indiana, who were also interested in the boundary

Whittlesey, of Ohio, accompanied the commissioners as a sort of assistant peacemaker.

These commissioners and the belligerent governors had several conferences. Finally, on April 7, Governor Lucas assented to the following proposition, and then only at the urgent request of the commissioners:

“*First.* That the Harris line should be run and re-marked pursuant to the act of the last session of the Legislature of Ohio without interruption.

“*Second.* The civil elections under the laws of Ohio having taken place throughout the disputed territory, that the people residing upon should be left to their own government, obeying the one jurisdiction or the other, as they may prefer, without molestation from the authorities of Ohio or Michigan until the close of the next session of Congress.”

This, as you can see, left the inhabitants in the delightful situation of selecting whatever government they chose to obey until the close of the next session of Congress. Governor Mason rejected these proposals. Governor Lucas, regarding the commissioners direct from the President as of higher authority than an Acting Governor of a territory, disbanded his armed force. It can be seen that our present President had something of a precedent in his appointment of a *paramount* commissioner.

It never was contended that the Michigan authorities ever consented to these arrangements; and if the commissioners had possessed the paramount authority, which the Secretary of State afterwards expressly denied had been attempted to be bestowed upon them, the situation resulting from such a decision would have been simply anarchy.

Believing the matter settled for the present, Governor Lucas supposed, under the sanction obtained from the commissioners, he had a right to re-mark the Harris line, and forthwith ordered it done. A copy of the report of the surveyor commissioners tells the result of this attempt:

PERRYSBURG, May 1, 1835.

To ROBERT LUCAS, ESQ., Governor of the State of Ohio:

SIR: In the discharge of the duties which devolve upon us as commissioners appointed by your Excellency for re-marking the northern boundary line of this State, which is known and distinguished as Harris's line, we met at Perrysburg on Wednesday, April 1, last, and after completing the necessary arrangements, proceeded to the northwest corner of the State, and there succeeded in finding the corner as described in the field notes of the Surveyor Harris, a copy of which we had procured from the Surveyor-General's office. Thence your commissioners proceeded eastwardly along said line, which they found with little difficulty, and remarked the same as directed by law in a plain and visible manner, to the distance of thirty-eight miles and a half, being more than half the length of the whole line.

During our progress we had been constantly threatened by the authorities of Michigan, and spies from the territory, for the purpose of watching our movements and ascertaining our actual strength, were almost daily among us.

On Saturday evening, the 25th ult., after having performed a laborious day's service, your commissioners, together with their party, retired to the distance of about one mile south of the line, in Henry county, within the State of Ohio, where we thought to have rested quietly and peacefully enjoy the blessings of the Sabbath—and especially not being engaged on the line, we thought ourselves secure for the day. But contrary to our expectations, at about twelve o'clock in the day an armed force of about fifty or sixty men hove in sight, within musket-shot of us, all mounted upon horses, well armed with muskets and under the command of General Brown, of Michigan. Your commissioners, observing the great superiority of force, having but five armed men among us, who had been employed to keep a lookout and as hunters for the party, thought it prudent to retire, and so advised our men. Your commissioners, with several of their party, made good their retreat to this place. But, sir, we are under the painful necessity of relating that nine of our men, who did not leave the ground in time after being fired upon by the enemy, from thirty to fifty shots, were taken prisoners and carried away into the interior of the country. Those who were taken were as follows, to-wit: Colonels Hawkins, Scott and Gould, Major Rice, Captain Biggerstaff, and Messrs. Elsworth, Fletcher, Moale and Rickets.

We are happy to learn that our party did not fire a gun in turn, and that no one was wounded, although a ball from the enemy passed through the clothing of one of our men.

We have this day learned by some of the men who were arrested and have just returned, that they were taken to Tecumseh under the escort of the armed force, were there brought before a magistrate for examination,

that they denied the jurisdiction; but that six entered bail for their appearance; two were released as not guilty, and one, to-wit: Mr. Fletcher, refused to give bail and is retained in custody.

We are also further informed, by unquestionable authority, that on the Sabbath day an armed force of several hundred men were stretched along the line to the east of us, with a view to intercept us on our way.

Under existing circumstances and in the present threatening attitude of affairs, your commissioners have thought it prudent, for the interest of the State, as also for the safety of her citizens and to prevent the threatened effusion of blood, to withdraw from the line at present and suspend the further prosecution of the work, until some efficient preparatory measures can be taken which will insure the completion of the undertaking.

All of which is respectfully submitted.

[Signed]

JONATHAN TAYLOR,
J. PATTERSON,
URI SEELEY,
Commissioners.

This report was forwarded by Governor Lucas to the President, who, in turn, ordered Governor Mason to send him a statement of the outrages which had been committed.

Among other sufferers from these assaults was one of the most interesting characters in the early history of the Maumee Valley—Major Stickney. He had long been a ruling spirit at Swan Creek, afterward Toledo. It was a fad of his to be and do everything different from everybody else. His very accomplished wife, who, by the way, was a daughter of the celebrated General and Molly Stark, of revolutionary fame, could not restrain his eccentricities. For example, he named his boys after the numerals and his girls after the States. The boys were One, Two, etc., and, with the exception of his oldest daughter, named for his wife, the girls were Indiana, Michigan, Ohio, etc. It is related that on one occasion Mrs. Stickney came to the piazza in front of their house, opposite a vessel which was lying at anchor in the river, and calling her sons, she said: "Two call. One to breakfast." A sailor aboard the boat looked up and said: "Is *this* the Maumee? It must be a terrible hard country, if it takes two to call one to breakfast."

In 1821, when Wood county attempted to assume jurisdiction over Swan Creek, the brave Major persuaded his neighbors, in convention assembled, that they were under the jurisdiction of

Michigan and not Ohio at all. Afterwards, when the great question arose as to where the Maumee and Miami canal was to terminate, the Major saw that the future of Swan Creek, or Toledo, depended upon having the canal terminate there. Accordingly, he called another public meeting and represented to his neighbors that they were all wrong in seceding from Ohio to Michigan; they would have to rebel all over again, and re-secede once more from Michigan back again to Ohio; that Ohio was, after all, the *only* State, and they would be true to her, though the heavens fell. It was but natural, therefore, especially as Stickney had been particularly active in stirring up Ohio's Governor in the matter, that he should have been an especial object of ill-treatment. His own vigorous letter shows the spirit of the man:

MONROE PRISON, *May 6, 1835.*

DEAR SIR: Here I am, peeping through the grates of a loathsome prison, for the *monstrous crime* of having acted as the Judge of an election within the State of Ohio.

From what took place the other day at Port Miami, at a conference between yourself and the Commissioners of the United States, wherein we had the honor of being present, we were led to believe that a truce at least would be the result. In this way we were again deceived. I left my residence in Toledo in company with a lady and gentleman from the interior of Ohio, to visit my friend, A. E. Wing, of Monroe, and others, conceiving that respect for the ordinary visits of hospitality would have been sufficient for my protection under such circumstances. But vindictiveness is carried to such extremes, that all the better feelings of man are buried in the common rubbish. The officer who first took me, treated me in a very uncivil manner; dragging me about as a criminal through the streets of Monroe, notwithstanding there are a number of exceptions to this virulent mass.

On board the boat we took passage from Toledo to Monroe, were Messrs. Rush and Howard on their way to Washington. They will make favorable mention of the extreme forbearance of Ohio. At eight o'clock this morning we saw and shook hands with the governor of these movements (Mason), and his general (Brown) in Monroe, just leaving for Detroit. It is presumable that they directed those outrageous transactions.

Seventh, 7 o'clock A. M.—Have been here fourteen hours and no refreshments of any kind yet furnished. It appears probable that it is intended to soften us by starvation.

Those bands of ruffians of the United States, hanging upon the

northern border of Ohio, require chastisement. It is to be hoped that the United States will take speedy measures to reduce them to submission. They have become very troublesome to the Western States, as you are fully aware, and the State of Ohio particularly, making inroads by night and by day in large gangs, and committing depredations upon the peaceable population — kidnapping and abducting individuals who have become offensive to them. Whether the United States undertakes the subduing of these lawless desperadoes or leave the State individually to defend themselves, it will require a large force. We cannot but hope that the United States or the State to which I belong, will not permit our individual sufferings to urge them to any measures that may not be consistent with an enlarged view of the rights of the United States or the individual states. I have the honor to be, sir, your very obedient servant,

B. F. STICKNEY.

His Excellency, ROBERT LUCAS, Governor of the State of Ohio.

As can readily be imagined, the breaking up of the boundary survey party and the various high-handed outrages committed by the Michigan troops, roused the people of Ohio to a frenzy of excitement. The newspapers teemed with the "Desecration of Ohio's Fair Soil," and other such phrases.

It was not all one-sided, however, as the Whig party, who were opposed to Governor Lucas, ridiculed his conduct as calculated to bring disgrace upon the State; but these critics were few in number.

The Governor finding it impracticable to re-survey the Harris line, determined upon more vigorous efforts. He called an extra session of the Legislature to meet June 8, a thing which, I believe, has only been done twice in the history of the State. The Legislature was ready to assist the Governor. It passed an act erecting Lucas county in the disputed territory, attaching the new county to the Second Judicial District. It made Toledo the temporary seat of justice and directed "that the Court of Common Pleas be held at Toledo on the first Monday in September next at the most convenient house." The Legislature further enacted a law to prevent the forcible abduction of the citizens of Ohio, and appropriated three hundred thousand dollars out of the treasury to carry these laws into effect, while the governor was authorized to borrow three hundred thousand dollars more on the credit of the State. The division commanders of the militia were directed to report the number of

men who would volunteer to enforce by arms the Ohio laws in the disputed territory. Immediately over ten thousand were reported as ready to do or die.

These acts on the part of Ohio only exasperated the Michigan authorities to greater aggressions. A system of desultory arrests, imprisonments and petty aggravations on the part of the Michigan authorities continued all during the summer of 1835, involving much bitter conflict and many humorous incidents.

Finally, on July 15, an attempt was made to arrest Two Stickney, an ardent Ohio partisan, who had stabbed the deputy sheriff and made his escape. This was reported by Governor Mason to President Jackson; and Governor Lucas, perceiving that something must be done to secure peace, sent Noah H. Swayne, William Allen and D. T. Disney to confer with the President, who promised these gentlemen that nothing should interfere with the establishment of the Harris line as Ohio's boundary. Jackson was looking after that electoral vote. The communication between the representatives of Governor Lucas and the President so fully present the objects to be accomplished by Ohio, and the points of difficulties, that I quote them.

WASHINGTON, *July 1, 1835.*

SIR: In accordance with the wish intimated by the President, at the close of our conversation this morning, we proceed to commit to writing the substance of the suggestions which we then had the honor to submit.

Before we do so, permit us to repeat that, although we have repaired to Washington at the instance of the Governor of Ohio, as indicated in his letter of which we were the bearers, we appear in the character of private citizens, none other.

The purpose of our visit is expressed in the letter referred to; it is to bring about a more full and satisfactory mutual understanding than is believed at present to exist, and aid in averting the unpleasant consequences which might otherwise possibly arise from the existing posture of things.

The arrangements entered into at Perrysburg with Messrs. Rush and Howard on April 7, ultimo (vide documents, page 30), provide:

First. That Harris' Line should be run and re-marked, pursuant to the act of the Legislature of Ohio, without interruption.

Second. That both parties should abstain from forcible exercise of jurisdiction upon the disputed territory, until after the close of the next session of Congress.

The compromise bill of Ohio (as it is termed) contemplates that this arrangement should be carried out, and that whatever has been done inconsistent with its provisions should be undone, or in other words:

First. That the pending recognizances and prosecutions under the act of Michigan, of February 12, 1835, shall be discharged and discontinued.

Second. That no new prosecutions under this act shall be instituted.

Third. That Harris' Line shall be run and re-marked by the authorities of Ohio, without interruption from those of Michigan.

Fourth. That no forcible opposition be made by the authorities of Ohio or Michigan to the exercise of jurisdiction by the other upon the disputed territory within the time specified, the citizens residing upon the territory in question resorting to the one jurisdiction or other, as they may prefer.

What Ohio expects and desires, as indicated by the bills referred to, is as follows:

First. That the authorities of Michigan shall not interrupt the running and re-marking of the Harris Line by Ohio.

Second. That the authorities having charge of the prosecutions under the act of Michigan, above mentioned, shall discontinue those prosecutions, and discharge the recognizances taken for the appearance of the defendants, and that they abstain from instituting any new prosecutions under that act within the time stated.

The President remarked that he believed advice from the proper source, to the authorities of Michigan upon those points, would prove effectual.

In this opinion we concur undoubtingly. The steps suggested would, therefore, remove all practical difficulty, and prevent the possibility of an armed collision, growing out of the subject.

Under such a state of things, we feel authorized to say, that while the authorities of Ohio would, as far as possible, consistent with the arrangement of April 7, exercise a peaceable jurisdiction upon the disputed territory, she would do nothing to prevent the exercise of a like jurisdiction by the authorities of Michigan; and that hereafter, as heretofore, she would manifest a spirit of the utmost forbearance, until Congress at its next session shall have acted upon the subject, and settled authoritatively the contested question of right.

As respects the appointment of a Commissioner on the part of the United States to aid in re-marking the line, that proposition was made by the Legislature of Ohio in courtesy to the General Government.

There is nothing in her legislation which makes the appointment material. We deem it unnecessary, therefore, to remark further upon this point.

In order to render this communication as brief as possible, we have

abstained from the discussion of all considerations touching the merits of the controversy.

With great respect, we are, sir,

Your most obedient servants,

N. H. SWAYNE,

D. T. DISNEY,

W. ALLEN.

HON. JOHN FORSYTH, *Secretary of State, U. S.*

DEPARTMENT OF STATE,
WASHINGTON, *July 3, 1835.*

GENTLEMEN: Your letter of the 1st instant, written in your character of private citizens, was received yesterday.

By the direction of the President, to whom it has been submitted, I now have the honor to reply.

In everything that has been done or suggested by the President, or by his authority, in regard to the question of the northern boundary of Ohio, he has been influenced solely by a desire to prevent, without prejudice to the rights of any one, collisions between the authorities of the General, State or Territorial Governments, that would be destructive of the public peace, and bring dishonor upon the institutions of the country.

If his views and wishes have not been correctly understood in Ohio, he is happy to believe that the free communications which you have had with him, and with the head of this department, will enable you to correct the misapprehensions that may exist upon the subject in any quarter.

This department has never been advised by Messrs. Rush and Howard of the arrangements stated in page 30 of the documents published at Columbus, by order of the State of Ohio, to which you refer as having been entered into by them at Perrysburg.

The President is, however, induced to believe from the recent proceedings of the Legislature of Ohio, as explained by your letter, and the late resolutions of the Convention of Michigan, that an informal understanding may be produced, through the instrumentality of this department, which will meet the wishes of all, and effect the great object he has been most anxious to promote, the mutual suspension, until after the next session of Congress, of all action that would by possibility produce collision. Supported in this belief by your letter, which he understands to be conformable to the wishes and instructions of Governor Lucas, the President, without taking upon himself any other character than that in which he has heretofore acted, will cause an earnest recommendation to be immediately sent to the acting Governor of Michigan, and the other authorities of the Territory, whom he can rightfully advise in the performance of their duty, "that no obstruction shall be interposed to the remarking of 'Harris's Line'; that all proceedings already begun under the act of February, shall be immediately discontinued; that no prosecutions shall be

commenced for any subsequent violations of that act, until after the next session of Congress, and that all questions about the disputed jurisdiction shall be carefully avoided, and if occurring inevitably, their discussion shall be postponed until the same period."

The President confidently trusts this recommendation, which he believes required by a regard for the public safety and honor, will be effectual with the authorities of Michigan, and will not fail to exercise all his constitutional power in this, as in every other instance, to preserve and maintain the public tranquility. I have the honor to be, gentlemen,

Your obedient servant,

JOHN FORSYTH,

MESSRS. SWAYNE, ALLEN AND DISNEY.

In the meantime, matters in Michigan were becoming much complicated. The Territory organized for a State government by adopting a constitution, electing Mason as Governor of that State, choosing United States senators, etc. All this was done under the Ordinance of 1787, which provided that when the population of a territory exceeded sixty thousand (and Michigan was nearly a hundred thousand by this time) they had a right to at once form a State government and apply for admission to the Union. So far, so good; but we know no State has a right to demand admission. It was therefore not probable that Congress would grant Michigan's request so long as the boundary line question was unsolved, particularly as it was known that the President was displeased with the action of Governor Mason in regard to the controversy. In August, the President removed Mason as Acting Governor, and appointed John S. Horner to supersede him. Horner was so unpopular that his appointment was in name only, as the inhabitants of Michigan refused to let him act. Mason continued in authority until the *great* and *glorious* victory of Ohio in holding court in Toledo, by which she definitely established her jurisdiction over the newly formed county of Lucas.

As it approached the time appointed to hold court, the judges began to quake and tremble. Toledo was held by twelve hundred bloodthirsty Michiganders. What show would the judiciary have against such an array with its train of artillery? Governor Lucas had sent one hundred men under Colonel Van Fleet to protect the court. The judges were a trifle uncertain about the odds in case of conflict, but the valiant Colonel had

his plans perfected. Interrupting the complaints of the judges, he said: "If you are women, go home; if you are men, do your duty as judges of the court. I will do mine. Leave the matter entirely to me; I will be responsible for your safety and insure the accomplishment of your object. But if otherwise, I can give you no assurance." The judges, overpowered by this martial reply, placed their dignity and honor in his keeping. I borrow a vivid account of this most strategic military movement from a pamphlet by Hon. W. V. Way, of Perrysburg, Ohio:

"He, Colonel Van Fleet, told the judges that September 7 would commence immediately after midnight, and that there was no hour specified in the law when the court should be opened. Governor Lucas wants the court held, so that by its record he can show to the world that he has executed the laws of Ohio over the disputed territory, in spite of the vapouring threats of Governor Mason. If we furnish him that record, we shall accomplish all that is required. Be prepared to mount your horses to start for Toledo at precisely one o'clock A. M. I will be ready with an escort to protect you."

"At the hour named, the judges and officers of court were promptly in the saddle. Colonel Van Fleet was ready with his twenty men, mounted and completely armed. Each man had a rifle in addition to his two cavalry pistols. They proceeded to Toledo, reaching there about three o'clock A. M., and went to the school house that stood near where Washington street crosses the canal, and opened court in due form of law. Junius Flagg acted as sheriff. The proceedings were hastily written on loose paper, and deposited in the clerk's hat. When the court adjourned, the officers and escort went to the tavern, then kept by Munson H. Daniels, not far from where the American House now stands, kept by J. Langderfer, registered their names and took a drink all round; while filling their glasses for a second drink, a mischievous wag ran into the tavern and reported that a strong force of Michigan men were close by, coming to arrest them. They dropped their glasses, spilling the liquor they intended to have drunk, and sprang for their horses with all possible haste, leaving bills to be settled at a more leisure time. As they had accomplished the work intended, speed was of more

importance than valor. A backward charge from the enemy was made at the top of the speed of their horses.

"They took the train that led to Maumee, by way of the route nearest the river. They went at such furious speed that, if their charge had been made in the opposite direction towards the enemy, they would have pierced the most solid columns. When they arrived at the top of the hill, near where the Oliver House now stands, not discovering the enemy in pursuit, they came to a halt and faced about. It was then discovered that the clerk had lost his hat, and with it the papers containing the proceedings of the court, from which the record was to be made up. The clerk wore one of those high bell-crowned hats, fashionable in those days, and which he used for carrying his papers as well as covering his head. It was then the custom in traveling to carry everything in the top of hats, from a spare collar and dickey to court papers. The hat of the clerk, reaching high above his head, burdened with its load of papers and other incumbrances, was steadied on by the left hand for greater safety, while the right held the reins. But in spite of this precaution, it struck against an overhanging limb of a tree with such violence, that it was knocked off and fell to the ground. Having succeeded in holding the court without molestation or bloodshed, and now losing the papers, would leave them in as bad condition, or worse, than if they had done nothing, in case they should fall into the hands of the enemy. Notwithstanding, they all believed they had been discovered and pursued, and might be surrounded by superior numbers and taken, if they delayed; yet the importance of recovering the papers was such as to nerve them to the boldest daring. Colonel Van Fleet's courage and tact did not desert him in this emergency. He had succeeded in accomplishing what had been contemplated; and now their labor would be lost, and the expedition be an entire failure, without a recovery of the papers. With him, to will, was to do. He directed the clerk and two of the guards to dismount, and feel their way back carefully in search of the papers, while the balance of the posse kept watch, to cover retreat. He cautioned them to move with as little noise as possible, and if likely to be discovered by the enemy, to conceal themselves, and watch their movements so

that they could use the best possible advantage to accomplish their object. The orders were that nothing but utter *impossibility* would excuse a failure to recover them. The search proved safe and successful; the hat was found and the papers recovered. The party reported no enemy in sight. The State of Ohio was now triumphant; a record could be, and was made up, and still exists, to prove that the State of Ohio, on September 7, 1835, exercised jurisdiction over the disputed territory, by holding a Court of Common Pleas in due form of law. Here is the record made up from the recovered papers:

THE STATE OF OHIO, LUCAS COUNTY, ss.:

At a Court of Common Pleas, begun and held at the Court House, in Toledo, in said county, on Monday, the 7th day of September, Anno Domini Eighteen Hundred and Thirty-five. Present, the Honorable Jonathan H. Jerome, Senior Associate Judge, of said county; their Honors, Baxter Bowman and William Wilson, Associate Judges. The court being opened in due form by the Sheriff of said county. Horatio Conant being appointed Clerk of said court, exhibited his bond, with sureties accepted by the court agreeably to the statute in such case made and provided. The court appointed John Baldwin, Robert Gower and Cyrus Holloway, Commissioners for said county. No further business appearing before said court, the court adjourned without delay.

J. H. JEROME, *Associate Judge.*

"The feeling of joy at recovering the papers was so great that Colonel Van Fleet ordered two salutes to be fired on the spot. He well knew that the distance to the line of the State, where there was no dispute about jurisdiction, was but small, and that if pursued, they could reach there before being overhauled. The party proceeded to Maumee at a leisure pace, reaching there a little after daylight."

This successful effort of the twenty Ohioans to achieve a victory over twelve hundred men has rarely, if ever, been equaled. It was extremely mortifying to Governor Mason and he retreated with his force from the sanguinary field of battle.

From this time on the people of the disputed territory were left to regulate their own affairs and peace and quiet intervened. The boundary commissioners resumed their work of re-marking their line and successfully accomplished it in November.

Michigan was clamoring for admission into the Union. Her

condition of admission plainly became acquiescence in the claims of Ohio. A full account of the claims of Ohio and Michigan, together with the report of the Senate Judiciary Committee, covering fifty pages, is found in the Senate Documents of 1836. Thomas Ewing presented the claims of Ohio, and Messrs. Lyon, Norvell and Crary, those of Michigan. While in the reports of House Committees, Volume II, 1836, are also found all the conflicting claims, maps, State papers and correspondence relating to the controversy, covering 124 pages. If you, in making your verdict, desire further facts, I most respectfully refer you to these tomes. I can assure you, however, that if you care to pursue this subject further you will be deeply interested in these reports.

Congress, to settle the matter, offered to admit Michigan to the Union on condition of her resigning the disputed tract and accepting in lieu thereof, a much larger territory, the Upper Peninsula, which included valuable iron and copper mines and immense forests. The belligerent feeling in Michigan, however, was too strong and the proposition was rejected in convention, held in September, 1836. Apparently, settlement was as far off as ever. But the President was strongly in favor of this settlement, and his party was growing in power. A presidential election was imminent and the would-be office holders wanted to take their seats in Congress and elsewhere. They wanted their share of the federal patronage, and as a public distribution of land was to take place, they wanted Michigan to have her share.

Finally, a sort of rump convention, purporting to represent a majority of electors, was held at Ann Arbor, December 6, 1836, and this convention assumed sovereign power and accepted the proposition of Congress. People ridiculed the convention, and it received the appellation of the "frost bitten convention." But the President's influence with the members of his own party in Congress was such that they accepted the action of this so-called convention, and on January 26, 1837, Michigan was solemnly declared to have accepted the proposition of Congress and was admitted to the Union.

Campbell, in his "Outlines of the Political History of Michigan," says: "Many of the reminiscences of the campaign par-

take of the ludicrous. It is not desirable nor necessary to regard the many personal incidents and misadventures. Michigan had a skeleton in her own closet in the shape of a claim of Lewis E. Bailey, for a horse lost in the service of the State in defending the supremacy of its laws. Year after year from 1836 to 1846, this claim was regularly presented and regularly rejected, until in the latter year, it dawned upon the minds of the legislators that it was better to pay fifty dollars and interest from January 1, 1836, than to waste time and printing enough to have cost more than a regiment of horses, and they surrendered to a siege that paralleled in duration that of Troy. Time has healed the other griefs, and if the historian is compelled to discuss them, it is not with the pathetic lament of Queen Mary over the loss of Calais, nor the hankering for territory which has made Alsace and Lorraine a debatable ground so long. However doubtful the bargain was originally by which Ohio obtained the spoils, it has been ratified too thoroughly to be disputed, and our only present emulation is friendly and neighborly."

In February, 1846, eleven years after this gory contest, the Legislature of Ohio authorized the payment of three hundred dollars to our old friend, Major Stickney, for damages to his person and property on account of depredations committed on him during the war, and further authorized the Auditor of State to pay all costs and expenses incurred by him on account of his arrest and imprisonment spoken of before. In present day parlance, he must have had a "pull" with the Legislature."

In looking back through the mist of years, it is pleasant to remember that only two lives were lost in this conflict, those of horses,—a valiant Ohio steed slain by Major Stickney through mistake, and one lost in some unknown way, wandering forth in the world, for which the State of Michigan paid Mr. Bailey. The Sheriff's officer stabbed by Two Stickney recovered in the due course of time, and I am quite sure that those who suffered personal grievances had in the after years sufficient to repay them in the happy consciousness of having adventures to talk about around the tavern fire.

I cannot close this paper without making a quotation from the witty book of our former townsman, Hon. S. S. Cox,—“A

Search for Winter Sunbeams,"—in which, while at Toledo in Spain, he musingly draws a comparison between that Toledo and Toledo, Ohio.

"Old Toledo was the subject of many a fray, bloody and bitter as your Maumee Valley war, when mad Anthony Wayne waged his Indian warfare, and as New Toledo was when as disputed ground in the 'Wolvering War' between Ohio and Michigan, she witnessed the destruction of watermelons and corn whisky. The sweat which then flowed, and the feathers which were then ruined, are known to the old inhabitants of Ohio. Then I was a youth, but I have the recollection of hearing valiant colonels, in my own native Muskingum hills, addressing the militia drawn up around them in hollow squares, inspiring them to rescue the realm of quinine and hoop-poles from the grasp of the insatiate Michiganders! The recollection makes my heart tremble. Ah! That was a war, whose adventures no Cid has dared yet to celebrate! The passions then engendered even yet vibrate in the cornstalks of the Maumee Valley! A remarkable War! When soldiers retreated before a foe not pursuing and ran through almost impassable swamps, guided by the battle-fires of their own flaming eyes. The dead and wounded of that war were never counted. Both sides fought for a boundary line and both ran that line with the same exactitude and compass. Their lines were both straight. I said I was a boy then; but the tympanum of my ear even now at this distance and age echoes to the rataplan of that sanguinary war."

Finally, we cannot but feel that the solution of the boundary question by Congress was a happy one, in view of its later results. Although when proposed, it most obviously favored Ohio, yet time in its changes has brought about an equitable distribution of spoils. Had Michigan's claims been favored, she would have lost that invaluable territory which has become a great source of wealth to her, and is destined in the future to yield even an hundred-fold more. Whether the beautiful city of Toledo would have ever risen to her present proud position, it is impossible to speculate upon; but looking back over the actual results of the Boundary War, Ohio and Michigan can clasp hands and say, "It has resulted wisely for us both."

SAMUEL FINLEY VINTON.*

BY MADELENE VINTON DAHLGREN.

It was peculiarly characteristic of the patriotic unselfishness that was the dominating principle of the public career of Samuel F. Vinton that he never paused, while laboring with unremitting zeal for his country, to prepare any journal, or written notes of any kind, that might assist the biographer to give the story of his own life.

Unaided, therefore, by that light which he himself could best have thrown upon the record of a service that was singularly useful to the nation, one must look elsewhere for the desired information.

In so far as the facts that meet the common eye are concerned, the Congressional records give the official history, but back of this, and forever screened by his reticence regarding himself, stands after all the real man, the impelling motives, the essential qualities, that moulded all his acts into one consistent whole.

It may seem startling to say so, but his absolute lack of personal ambition, which repeated the severest types of the ancients, was to my apprehension unfortunate in its consequences. For, had Mr. Vinton grasped as most men do the opportunities of the power that high station gives, of the occasions which were offered to him, and from which he turned aside, it is safe to say, that an influence that was never exerted but for the right would have vastly broadened.

Ambition properly regulated is for the American citizen a divine right of sovereignty! In this connection I desire to quote from some remarks made by the Hon. Robert C. Winthrop at a

*This interesting and valuable sketch of Mr. Vinton was written by his daughter, Mrs. Dahlgren, of New York City. It was prepared at the request of the Secretary of this Society for publication in this volume. Mr. Vinton's argument on the boundary line between Ohio and Virginia appears elsewhere in this volume and is one of the ablest legal pleas ever made before an American court.—E. O. R.

meeting of the Massachusetts Historical Society, held in October, 1890, when Mr. Winthrop said of Mr. Vinton:

"He was a man of eminent ability, of great political experience and wisdom, and of the highest integrity and personal excellence. He might at one time have been Secretary of the Treasury had he been willing to accept that office. He might have been Speaker of the House of Representatives of the United States in 1847 had he not positively declined the nomination."

Are these not offices which, as Mr. Webster said of the Presidency, "should be neither sought for *nor declined*"?

Reverting to the "Vinton Memorial," compiled by the Rev. John Adams Vinton, I find that the subject of this sketch was the direct descendant in the sixth generation of John Vinton, of Lynn, Massachusetts, who emigrated to America in 1648. The traditions of the race all confirm the idea that the founder of the family in this country was a descendant of the de Vintonnes who were exiled from France in the seventeenth century, on account of being Huguenot.

Samuel Finley was born at South Hadley, Massachusetts, September 25, 1792, and called after his great uncle, Dr. Samuel Finley Vinton, whose name appears, as also that of his grandfather, in the Massachusetts archives as one of the "minute men," that marched on the "Lexington alarm" in 1775.

Abiathan Vinton, the father of Samuel Finley, was an adopted son of Dr. Vinton, who bequeathed to him most of his estate. He is spoken of in the "Vinton Memorial" as "a substantial farmer in easy circumstances." He married in 1791, Sarah Day. The progenitor of the Day family emigrated from England to New England in 1634. In the Day genealogy occur the names of a President of Yale and a Secretary of State of the State of Connecticut, and this honorable record continues to be sustained. We would especially mention a first cousin to whom Mr. Vinton was greatly attached, Mr. Henry Day, of New York City, who is conspicuous as an able jurist.

Samuel Finley being the oldest of seven children, it was the intention of his father to train him as a farmer, so that he might be of assistance in the labors of the farm. But from an early

age the thoughtful, studious boy ardently desired to receive a liberal education, and his wise father soon became convinced that it was his duty to aid the wishes of his son. A younger sister used to relate with great glee the conversation at a family council at the time it was finally decided to send "Finley" (as he was always called at home) to college, when each member had to suggest something they were willing to give up, so as to make a common contribution towards the desired end. A charming picture of a united family, in which the advantages of a liberal education were properly appreciated.

Mr. Vinton graduated at Williams College in 1814. He studied law with the Hon. Stephen Titus Hosmer, afterwards Chief Justice of the Supreme Court of Connecticut; and while he was a law student he gave lessons in Latin. In 1816 he was admitted to the Connecticut bar. Finding that the profession in New England was somewhat crowded, he soon decided to seek the wider scope of the West, and went to Ohio, fortified with some excellent letters of introduction. After visiting several of the then principal towns of the State, he finally went to Gallipolis, a village of French *emigres*, on the Ohio River. He had a letter for Mr. Bureau, one of the most influential men of the place, and seeking on his arrival to present it, he was directed to the Court House, where that gentleman was found by him, engaged in the management of some case in his own behalf. Mr. Vinton at once perceived that Mr. Bureau was letting some nice points escape him, and quietly taking a place beside him, he gave him the needed help—*soto voce*. At first Mr. Bureau glanced with surprise at this stranger, who gave his uninvited aid, but he at once recognized the valuable assistance with quick intelligence. When the short trial was over, Mr. Bureau said to Mr. Vinton, "You have won my case, what is your fee?" Of course a fee was declined, and the letter presented. Mr. Bureau then took Mr. Vinton home to dinner, introducing him to his two charming and very carefully educated daughters, who had just returned from their French *pensionnat* at Philadelphia. Mr. Bureau urged his young friend to locate in Gallipolis, and doubtless the beauty and grace of the younger daughter, Romaine Madelene, whom he married in 1824, aided

his decision. He established himself in the practice of the law at Gallipolis.

The "Vinton Memorial" says: "His first efforts at the bar attracted much attention, and by the end of the first year he was in the enjoyment of an extensive and prosperous business. During six years he continued to achieve the most flattering success; rising constantly in public estimation, his income steadily increasing, and having apparently no inclination for public life, and no taste for party politics. Without any agency or wish of his own, he unexpectedly found himself, in the autumn of 1822, nominated for a seat in Congress, by a large meeting of the people of his district. His election over two formidable competitors was a decisive token of the public esteem."

The astonishment this immediate success created in his New England home is pleasantly depicted in an anecdote told me not many years ago by an aged relative. He said that he happened to be at the Vinton farm one day, when a letter was received from Mr. Vinton by his father, in which he mentioned having selected Gallipolis as a residence, and asked his father the loan of eight hundred dollars for one year, to enable him to purchase the needed law books, as there was no law library and no books at hand to refer to in the prosecution of his cases. The old gentleman looked serious, for this was a heavy and an unexpected drain upon a New England farmer situated as he was, but presently he said: "Finley must have the tools to work with, but I expect to have to make it *a gift*, not *a loan*."

Evidently he never supposed his son could earn that sum in one year, or indeed in any definite time, and his surprise was great when some months later, and long before the expiration of the year, "the loan" was refunded. But the grateful recollection of an affectionate child did not end there, for to the day of their death the filial devotion of a good son comforted his excellent parents.

It is a pathetic circumstance that this estimable couple died within a few days of each other, the loving wife being ill at the time of her venerable husband's decease and unable to survive the shock of his loss.

Shortly before his death, Mr. Vinton's father had the gratification of seeing for himself the esteem his gifted son had so quickly won in the place of his adoption, as he visited him at his home in Gallipolis. The old gentleman was of genial and pleasant manners, very suave and of much intelligence and refinement. The fact is, the Massachusetts farmer of the class to which he belonged was of a superior type of men such as few countries have ever possessed. If you found them during the day like Cincinnatus at the plow, the evening was given to books, and to a mental activity that kept pace with the progress of the age. Besides, Mr. Vinton's father had been carefully trained in the home of his uncle, Dr. Vinton, an accomplished physician, who had adopted him as his son and heir. * * *

On the threshold of Mr. Vinton's political career, we pause to insert verbatim a communication received some years ago from one who knew him well and whose opinion is entitled to the highest respect. They are the recollections of Mr. John T. Brasee, himself an excellent lawyer, of Mr. Vinton. Mr. Brasee says:

"My acquaintance with Mr. Vinton commenced in the autumn of 1819, and continued during his life. From 1819 to 1826, I resided at Athens, where he regularly attended the courts. In 1826, I commenced the practice of law at Gallipolis, where he resided, and until 1835 we rode the same circuit together and practiced in the same counties. So I may say, I knew him well.

"Mr. Vinton's mind was remarkably well balanced; all its powers worked together harmoniously, giving him the clearest conceptions of all subjects he investigated, and in debate he imparted those conceptions to his adversaries and auditors, not only clearly and fully, but in the purest and simplest language.

"Mr. Vinton was a very accomplished lawyer, learned in all the departments of his profession, and very skillful in the application of his knowledge to cases as they arose on the circuit. In his cases in the higher courts, he came to his work well prepared; unlike most other lawyers, he studied both sides of such cases and was therefore never taken by surprise by anything developed during the trial on argument. * * *

"From his peculiar habits of investigation, Mr. Vinton was

a remarkably *safe* lawyer. His professional engagements, however small the case, were never neglected. If circumstances prevented him, as they sometimes did, from giving his personal attention to a case, he provided in some way for it, so that the interest of his client should not suffer.

“Mr. Vinton was a fine advocate. He seldom met his equal at the Ohio bar, and never except when he met the late Thomas Ewing. The people in his circuit would assemble at each county seat in great numbers on the first day of each term of the court. Some came to hear him speak, some to employ him as counsel, and others to post themselves as to current political events. On these occasions his room was almost like a levee, except that the men were neither learned nor fashionable, but the sturdy yeomanry of the country. * * *

“The physical labor, incident to the practice of law in Southern Ohio, at the time Mr. Vinton practiced there, was great. He traveled over his large circuit four times a year, generally on horseback, as that was the only mode of traveling at that period. * * * As often as I have thought on the subject, I have been surprised that his fragile frame, unadapted and unaccustomed to anything like manual labor, could endure so much bodily inconvenience, with all the mental strain he was subject to, without any apparent over-work or fatigue. * * *

“One spring, without Mr. Vinton's knowledge, and in his absence, he was elected supervisor of the Gallipolis road district. This was brought about by reason of his complaints of the neglect of the supervisor of the previous year in not keeping the roads and bridges in order. Those who elected him did not expect him to qualify or serve, but supposed he would decline and pay his fine, which was small. But he promptly qualified, and in due time called out his hands, and accompanied them on the road daily, supervising their work from day to day, until every man had worked out his two days' labor. The hands did not re-elect him. They said he exacted full work of them, and that there was no fun in the thing, as they had supposed. Such was his devotion to duty.

“Mr. Vinton was a man of great moral courage. I never knew his equal in that respect. In every exigency of life this.

trait of character was predominant. It was perhaps the more noticeable because of his delicate physical organization. * * *

"Mr. Vinton was an exceedingly companionable gentleman. He met the court, the bar, and his personal friends upon a plane of equality. He made every one around him feel pleasantly, while by his wise thoughts and words he was delighting them. He was always especially kind in manner to the young men at the bar, and always disposed to give them aid and counsel in their professional difficulties. He was sagacious about all the affairs of human life. He perfectly understood the motives that impelled to action, and was a consummate judge of all classes of men. I have frequently thought he could elicit the truth from the nature of the falsehoods of a lying witness. * * *

"Mr. Vinton never was a politician, but a statesman in the best sense of the term. He told me while in Congress, that as often as any new measure came up there, the question at once arose with many members, 'How will this affect my popularity at home?' 'As to myself,' said he, 'I never spend my thoughts upon such questions. How will the measure affect the country? occupies all my thoughts.'

"The late Mr. Thomas Ewing told me, shortly after Mr. Vinton's death, 'That when he died the wisest statesman in Washington died.'

"When Mr. Vinton was *first* started to Congress, Jackson county was in his district, and continued so for many years, until a new districting took place, when it was placed in Ross district. The autumn when this change took effect, I think in 1832, Mr. Vinton attended the Jackson Court of Common Pleas, and after it was about over, he made a speech at the Court House to his former constituency of that county. It was a great speech, equally creditable to the head and heart. He called to mind his first election, the generous manner in which they turned out to secure it, when he was young and wholly unknown in the political arena, and for this generous confidence he had ever been grateful. He considered in detail the leading measures that had passed Congress during his service, that he regarded as beneficial to the Western people. He pointed out questions that were to arise in the future that would be freighted, some with

good and others with great evil and mischief to the country. From these texts he spoke expansively, boldly and manfully; sometimes bringing tears from most of his large audience. * * *

"Mr. Vinton's constituency were more than usually intelligent, having a large mixture of New England people and their descendants. The most intelligent men among them were always proud of him as their Representative and controlled matters so as to keep him in Congress about as long as he would serve." * * *

Mr. Brasee, in these interesting reminiscences, has spoken of the "moral courage" of Mr. Vinton. He had also extraordinary physical fearlessness, as was evidenced on various occasions.

It is related of him, that once when riding along a lonely highway, he was accosted by a notorious desperado, who he had been warned intended to do him harm, when he said to the fellow: "Whenever you are ready, by day or night, come on, I am ready. Good-day," and he rode on unmolested.

* * * Reverting to expressed opinions of Mr. Vinton as a lawyer, Mr. Winthrop says, "That he practiced his profession with great success and 'distinction,' of which numerous cases could be cited before the Circuit Courts, the Supreme Court of Ohio and the Supreme Court of the United States. There was one case that I mention as being of public and enduring importance that Mr. Vinton was appointed by the Governor of Ohio to go to Richmond and argue. The argument was delivered before the General Court of Virginia at its December term in 1845. The real point at issue being the protection of the "rights of sovereignty and of soil," on a boundary question between the States of Virginia and Ohio, involved in the locality of the recapture of certain slaves, alleged to have been abducted.

The opening of this defense is a master-piece of dispassionate reply. Mr. Vinton in few, calm, yet forceful words, covers the whole field with logical precision, and shows the true subject at issue. The good taste, the dignity of the defense are consummate.

Is it irrelevant in this matter, and as illustrating Mr. Vinton's calm, personal bravery, to mention, that at the time he went to Richmond to argue this case, there existed an intensely

excited state of public feeling there on the subject, which he had fully measured, for when the writer of this sketch, then a young girl, begged to be permitted to accompany her father to the Capital of Virginia, he said that he "did not deem it safe for her to go with him at that time." * * *

Colonel Charles Whittlesey, in his pamphlet, "Western Reserve—Origin of Title," written for the Historical Society of northern Ohio in 1876, says of this argument: "Its style is unusually interesting, the diction clear, and the investigation exhaustive. Mr. Vinton exhibits the acuteness of a good lawyer, the broad perceptions of a statesman and the eloquence of a practiced historian."

And here let me state that I prefer, whenever I can do so, rather to quote from other sources than to give my own conclusions, so that it may not be supposed that partiality for a parent has influenced judgment.

A memoir of my father that appeared in the *American Review* of September, 1848, says: "It was with more of surprise than pleasure that in the year 1822, he suddenly found himself, without any agency or wish of his own, nominated for a seat in Congress by a large meeting of the people of his electoral district.

"He had two formidable competitors, over whom he was elected, and for fourteen years, by a merited confidence from his constituency, he continued to be returned with increasing majorities, until in 1836, he voluntarily withdrew from public life.

"From the first, that power of labor and that prompt instinct of the useful, of the substance of things, which had so quickly made Mr. Vinton a leading lawyer, rendered him an efficient representative.

"He applied to each question as it arose, his strong powers of investigation, and as he was never the man to waste his time or that of the House on attempts at display, on efforts to shine, he soon mastered the main business of legislation, contributed to perfecting it, where the young member can best serve as he learns, in committees, and early began to make himself felt in the origination of substantive measures of importance."

Mr. Vinton entered Congress as a Representative in 1823.,

and was placed for several successive sessions on the Committee of the Public Land. He was from the outset on the alert to suppress fraudulent practices at the public sales, and he greatly desired that these sales should be used for great purposes of acknowledged utility for some national object or objects. The result of his labors in this direction is admirably given in the *American Review*, which says:

"In 1826 he brought forward and carried through the House of Representatives a modification of the Land Laws as to whatever, by the original ordinance of May 20, 1785, was set apart in order to found, in all the future States to be formed out of the National Domain, a great system of popular instruction. By this ordinance (see Laws of the United States, Vol. 1, p. 565), was reserved from sale in each township, for purposes of education, one section of land (six hundred and forty acres), that is, one thirty-sixth of the whole surface.

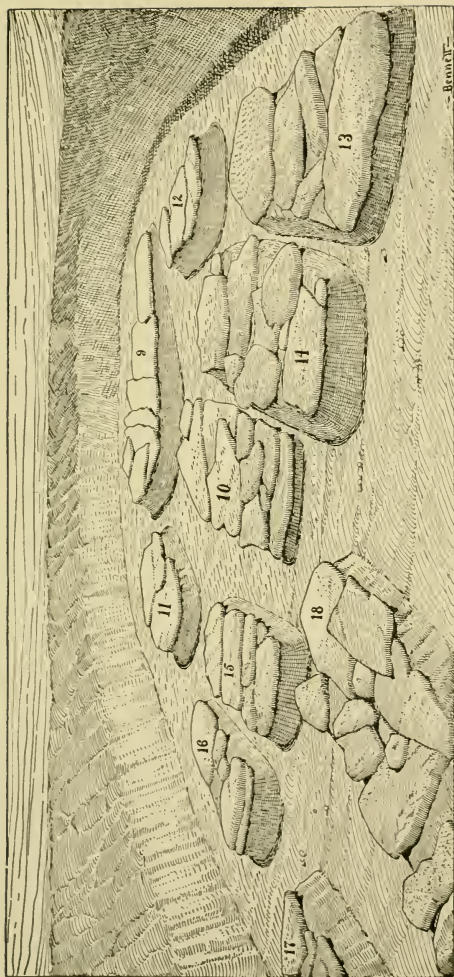
"But this endowment and its beneficent purposes was proving a sad failure from the waste of local management, or the spoil of local combinations. A wretched system of leases and tenantry had in particular arisen under it.

"The correction which Mr. Vinton brought about began, prudently, with an experimental change in his own State: his law empowered the Legislature of Ohio to sell the school lands within her borders, and to invest the proceeds in some permanent, productive fund, the income to be forever applied to the support of schools within the township for whose use the land was originally reserved. Becoming at first the law of Ohio only, the benefits of this bill have been extended in succession to the rest of the United States. * * * Few of our legislators have had the good fortune to achieve a public service greater than this, or which will be more felt by posterity in that which will forever make its dearest part, its moral and intellectual being."*

Speaking on this subject, Mr. Robert C. Winthrop† says of Mr. Vinton: "It was to him that Ohio owed the passage of a

*For the debate on this bill, Gales & Seaton's Register, Vol. 2, part 1, p. 839, 1st Session, 19th Congress.

†Remarks of Hon. Robert C. Winthrop at a meeting of the Massachusetts Historical Society, October 9, 1890.



GROUP OF 22 STONE GRAVES, FT. ANCIENT. ONLY TEN SHOWN IN ILLUSTRATION.

law authorizing and empowering her Legislature to sell the school lands which had been granted her by Congress in 1803, and which covered a full thirty-sixth part of her whole territory, and to invest the proceeds in a permanent fund, of which the income should be forever applied to the support of schools. The benefits of this law have since been extended to all the new States. Mr. Vinton is thus most honorably associated with the first great measure of national aid for education."

In the course of his remarks about Mr. Vinton, Mr. Winthrop adds: "It was my privilege to enjoy his friendship and confidence during all my congressional career. We were in sympathy and accord as members of the old Whig party during that whole period of eleven or twelve years, without the slightest disagreement on any important question of public interest. Our friendship and confidential correspondence ended only with his death. * * * I look back with pleasure and with pride to an intimate association in Washington with not a few of the most eminent men of Ohio. * * * But there are none of them whom I recall with greater respect, or with a warmer or more affectionate regard, than Samuel Finley Vinton."

The recognized distinguished public service of Mr. Winthrop is such that I have transcribed his generous words regarding his friend literally, being fully aware of the weight his words carry.

* * * But not only as regarded the placing of her public schools upon a sure and enduring foundation, so as permanently to increase the means of education in Ohio, was his public service inestimable, but also in relation to defining the boundary lines as between Virginia on the South, and her northern boundary with the then territory of Michigan; and was likewise watchful to promote a system of internal improvements for her roads, rivers and canals.

In these and other measures of importance to Ohio as they arose, his untiring and efficient services were of great value. Like a loving son, he was ever ready to protect her name from even the shadow of aspersion.

How often did he take occasion on the floor of the House to point out the superior advantages which she possessed. With

what affectionate pride did he speak of the people of Ohio, of "their cheerful submission to the general government, their firmness and resolution in maintaining their own rights," attributing "the sources of her prosperity not solely to the salubrity of her climate, the richness of her soil, but more than all to the moral worth, the enterprise and industry of her people." * * *

As early as the first session of the nineteenth Congress, 1825-26, Mr. Vinton became deeply interested in the legislative provisions necessary to carry into execution our treaties with the various tribes of Indians, and concerning measures needed for their relief. His first solicitude was for the Florida Indians, later on for the Choctaw Nation. In some remarks made in 1827 in their behalf he dwelt upon the evident duty of the House to see that our negotiations with this poor and oppressed race were fairly and properly conducted.

On May 24, 1830, he addressed the House in a speech of two hours against the removal of the Indians beyond the Mississippi. In this ringing speech, which reads in its eloquent appeal like a chapter of "A Century of Dishonor," he recapitulates the injustices, the perfidies, inflicted on the Florida, the Quapaw, the Delawares and other tribes of Indians whom we had reduced to distress by removal. In this speech he advocated "giving them the right of individuality of property," and "also to place them under the influence of schools," characterizing their removal as "a work of desolation and cruelty," and he also pointed out the fact that many of the southern Indians had negro slaves with them, whom they carried beyond the latitude of 36° 30', emigrating with them, and he commented on our treaty with the Cherokees as a direct and gross violation of all justice. If the country, he asserted, was charged with any violation of public faith which bore with particular force upon its national character, it was this, of its obligations to and contract with the Aborigines.

Mr. Vinton's deep interest in the welfare of the Indian, and the consequent careful investigation of legislation regarding them, led him in a very unexpected direction. But in the recital of this matter, I prefer again to quote from the *American Review*, which says:

"Mr. Vinton's next great public service consisted in not an

act of Congress brought about, but in a cunningly devised scheme of legislation foiled and defeated.

“Mr. Calhoun set forth his project in a somewhat elaborate paper from the war office, dated January 24, 1825.* * * * The ensuing administration of the War Department, under Governor Barbour, found this policy actively organized, and in the process of silent and sure execution. He adopted it and urged the scheme in a project for the preservation and civilization of the Indian, communicated on February 3, 1826, to the Committee on Indian Affairs. Mr. Vinton soon penetrated the consequences and was able finally to defeat them by making them apparent to others.

“It was, it seems, intended that under the plea of the impossibility of carrying out this great work of benevolence, otherwise than by uniting the Indians in a single region, that region was to be drawn on the west and north of the line of the Missouri compromise, so as to cut off the formation of any further States in that direction, while the tribes of the south translated almost entirely north of the parallel of $36^{\circ} 30'$, should leave the slave States an open frontier across which to extend themselves indefinitely west. This astute plan would, one may now readily see, if executed, have secured to the South a permanent political ascendancy. * * * Except in that part of Michigan, then a territory, no free State could ever have been formed in the West this side the Rocky Mountains. * * *

“Mr. Vinton's attention became directed thither, and he discovered the reach of the scheme, as well as its bearing upon the interests and power of the West. He determined at once to apply himself to its defeat.

“The Committee of Indian Affairs had, for two of three successive sessions, reported bills for carrying this policy into effect. but those bills had, through the pressure of business, either never reached or not been acted on by the House.

“In this state of things, at the first session of the Twentieth Congress (1827-28), Mr. McDuffie, then Chairman of the Committee of Ways and Means, moved as an amendment to the

* See Document 64, second session of Eighteenth Congress, H. R.

Indian Appropriation Bill, the appropriation of \$50,000 towards removing beyond the Mississippi the Cherokees and such other Indians as might consent to emigrate. The real object of the measure was not the appropriation itself, but something more important; to commit the country and draw it into this policy. To counteract and expose the movement, Mr. Vinton offered an amendment to Mr. McDuffie's proposition, attaching to it the following conditions: That no Indian or Indians living north of latitude $36^{\circ} 30'$ shall be aided in removing south of that line, nor any living south of it be aided in removing north of it.

"Upon this amendment Mr. Vinton made a speech, in which he examined and developed the whole plan, its effects upon the Western States and its relation to the balance of political power, as between the slave-holding and the non-slave-holding States. His discourse,* full of weight and sense, but marked with the firmness and moderation which have always distinguished him, told at once upon the public attention, and although his amendment was voted down, yet the debate and the subsequent opposition which it formed to the scheme of transferring the Southern Indians North, under such territorial guarantees, ultimately compelled the abandonment of the plan, and ever after the aborigines, of whatever latitude when removed West, have been carried forward as Mr. Vinton proposed, upon the parallels of latitude to which they belonged. To him, then, the West owes the subsequent admission of both Wisconsin and Iowa."

As regards my father's own estimation of the ultimate consequence of thus being able to thwart these machinations for the supremacy of the South, I have a private letter of his, in which he alludes to this result as probably the most important public service he had accomplished at that time. Although he was modest in the appreciation of his own efforts, yet his mental perceptions were invariably so clear as to enable him accurately to measure the scope of that which he performed.

Mr. Vinton was placed, in the Twenty-first and Twenty-second Congress of 1829, 1830 and 1831, on a select committee relating to internal improvements and the distribution of the

*See Gales & Seaton Register of Debates, volume 4, part 2, page 1568.

surplus revenue among the several States after payment of the public debt. And in 1832, 1833, 1834, 1835 and 1836 on a Committee on Roads and Canals; and public lands for school lands also claimed his attention.

It was characteristic of Mr. Vinton's mind to investigate any subject placed before him with the most patient diligence, and during these years of untiring committee work, he made himself the master of the questions relating to the public domain, with their cognate branches. He inquired into the effect of the existing pre-emption laws upon the sales of public lands and upon that portion of the public revenue.

In 1826 a debate arose concerning an appropriation to increase the amount for surveying the public lands of the United States. Mr. Vinton was opposed to this increase, as he was satisfied that too much land was thrown into the market at once, in consequence of too rapid a survey of the public lands, and thus pressing the market in excess of the demand, thereby fostering a system of speculation.

This question of increased surveys was repeatedly introduced, and whenever it arose Mr. Vinton debated it and objected to bringing more land into market than there was a demand for.

When on the Committee of Internal Improvements, he was always in favor of liberal appropriations in their behalf. In defining his views he said: "I would keep up the military, naval and civil establishments of the country, and, if there was any surplus remaining, I would devote it to internal improvements, and I mean harbors on the seaboard as well as on the lakes, improvements on the exterior as well as the interior. I would devote it to those purposes that would facilitate intercommunication, that would build up the trade of the country; not merely among ourselves, but with foreign nations."

In pursuance of this line of policy, he introduced a bill December 11, 1848, granting public lands to certain States therein named, to aid them in the construction of roads and canals, and the improvement of their rivers, making the appeal for public economy, and in order to meet the necessities of public business.

In a speech January 17, 1844, in behalf of the improvement of Western waters, he said, that during all the time he had held a seat in Congress, when appropriations were proposed for public improvements, he had never stopped to inquire in what particular section of the Union those improvements were to be made; but that he had voted for all improvements of the utility of which he was satisfied, without regard to their location.

Concerning the constantly disputed question of appropriations for the District of Columbia, Mr. Vinton said in a speech on the subject, that "in contemplation of law and of the Constitution, this entire district was nothing but a seat of government, and when it was provided that such a district should be set apart as the seat of the general government, no other idea had ever been entertained but that large appropriations would be requisite for it as such, * * * and as the city increased in size they must of course increase in amount."

Constantly endeavoring to protect the government from a waste of expenditure, and to guard the revenue of the public domain, he opposed the bill for land bounties to the troops who served in Indian wars in the Western country under Wayne and others in the last war with Great Britain, in the Florida war, etc. He considered these bounties as a pure gratuity the country was not in position to grant, and he thought that speculators in these warrants would doubtless pocket nearly the whole amount. This was in 1850, and Mr. Vinton deemed that the financial condition of the country, with its registered debt of \$65,000,000, which was then deemed a vast sum, would not justify the loss of revenue derived from the sale of the public lands. This bill was passed to meet the popular clamor, but the result, as usual, proved the wisdom of Mr. Vinton's views. But he was always opposed to demagogues and demagogism.

The general estimate as to the value of his labors to preserve the public domain from waste was voiced by *The American Review* of 1848, when it said: "Upon one great branch of legislation, the care and disposal of the public lands, Mr. Vinton has long made himself to be looked to as the leader in the House of Representatives, we might safely add in Congress, of the party who have watched over their right administration or averted

their waste. During all the period over which we have proceeded (of Mr. Vinton's public service), and especially after the accession of General Jackson, unceasing efforts were made; now by speculators, now by demagogues, next by a natural coalition of the two, and lastly by the auxiliary influence of the administration itself, which was largely made up both of speculators and demagogues, to incorporate into the public land system such changes as would, without any compensating increase of our population, have ruined that branch of the national revenue and broken up entire the great machinery. * * * Mr Vinton made himself master of the history of the public domain and of the policy which has governed its disposal, its management as a great branch of the national revenue, its relation to other high questions, the progress of our population, the enlargement of internal commerce, and the connection of all these subjects with the social development of that vast central region, destined probably in the end to control the fortunes of this Republic."

"It is not going too far to say that but for his able and vigilant resistance of every new scheme for the purpose, but especially of that which calls itself 'graduation and deduction,' laws would have been passed as far back as 1828 which would have resulted in the extinction of that source of public income; have flung open the whole of these wide territories as the scene of a general scramble for plunder; have corrupted still more our Government, and have brought about the almost equal evil of wild, and wide, and long continued land speculations." * * *

Questions of tariff, which may change as to detail, but are always the same as to the underlying principle, were as hotly contested in former Congresses as now. But being then complicated with the slavery issue, which entered as a disturbing force in all our legislation, these discussions were of the most serious import.

As far back as 1828, when a proposed increase of duty on molasses imported from the West Indies was debated, Mr. Vinton said he "was a firm believer in the American system in its fullest extent; that system being based upon a single and simple principle that the producer, whether farmer or manufacturer, must have a market for the fruits of his labors. Protect him in the

possession of the market and against ruinous competition, and he will take care of himself."

In this and other speeches on the tariff, Mr. Vinton showed great accuracy of financial detail, so that his opinions were fully supported by facts, and were especially convincing.

In 1833, there grew out of the nullification movement a prolonged debate on the cotton duties proposed in the tariff bill, in which Mr. Vinton took a leading part, disproving by carefully prepared statistics the accusation made, that the commercial policy of the country imposed too onerous a taxation on the South.

In the course of his remarks, he said that he had at all times voted to protect and encourage southern industry, but he had done, and would do, the same for northern capital and industry. At that time, South Carolina threatened secession and Georgia disunion. Mr. Vinton made an impressive appeal in behalf of the Union, in which he said:

"The Constitution of the United States is the consummation of that liberty and union which our fathers purchased with blood, with suffering, and with treasure. It is a perpetual covenant between them and us, and our posterity. They have transmitted the precious inheritance to us, and we are bound at every cost to hand it down to those who shall come after us. * * * When force shall triumph over the Constitution, the government is at an end."

Upon this and other occasions, Mr. Vinton sustained the protective principle, pointing out that the doctrines of free trade must necessarily end in direct taxation; and declaring that he "was not a free trade man, and would never agree to impose a direct tax, while a system of indirect taxation would answer the purposes of government."

He asserted that if they gave up a tariff, it must necessarily end in direct taxation; and that "the protection of the home labor of the country was the only sure foundation of public prosperity and of abundant supply of revenue."

As we are now nearing the close of Mr. Vinton's first period of service, it may be well to note several other of his motions brought before the House, which have more or less general in-

terest. On May 9, 1834, he reported a bill from the Select Committee on Patents, "to erect a fire-proof building for the Patent office and for other purposes." On June 9, 1834, he proposed to extend square west of the Capitol to the foot of the slope and to extend the botanical garden to the canal; but these motions did not succeed at that time.

Yet Mr. Vinton foresaw the advisability. He wished in 1835 to carry the graduation of reduction of postage. This, he said, would increase instead of reducing the revenue. A fact since proved.

He objected to members of the House who were absent, except on the business of the House, being paid.

He was always the friend of scientific investigation, and desired liberal appropriations for the coast survey and for the advancement of science.

He never lost an opportunity to show his affection for his constituents, or his interest in the State of Ohio and the western country. I notice among a host of petitions presented by him, one from citizens of Washington and Athens counties where he takes occasion to add: "There is not beyond the Allegheny mountains a people more eminent for sobriety of habits, social order and general intelligence."

Although Mr. Vinton had been re-elected to Congress for fourteen successive years by constantly increasing majorities, yet he voluntarily withdrew to private life in 1837.

At that time it was his intention never again to take any part in public affairs. His private business had long been neglected for the public service. He considered it a duty to amass a suitable competence for his family, and he said that he had never been able to do more than make temporary provisions out of the Congressional salary for the necessities of his position.

During an interval of six years he was engaged in various business projects, as well as in a lucrative and rapidly enlarging practice of his profession, and it was with unfeigned reluctance that he was again in 1843 drawn back into the House of Representatives. At that time several highly respectable men in his district were candidates, and there seemed to be no other way to adjust their differences but to select one who, by his conspicuous

former service, had gained the general esteem and confidence. Mr. Vinton was accordingly nominated and elected.

It may be readily supposed that when Mr. Vinton re-entered Congress, his ripe experience and undoubted ability were at once recognized, and that he was given a leading place in the councils of the Nation. The Committee of Elections during that Congress had the most weighty issues placed before them, and he was assigned to that committee, where his experience and talent would prove of greatest value to the country. But he begged to be excused from serving on that committee on account of the state of his health, which was at that time too much impaired to admit of so severe a strain. He was then placed on the Judiciary Committee, where he at once directed his attention with the closest scrutiny to questions of constitutional law.

His labors in this direction culminated in 1850, in the preparation of a most important organic law, which, later on, I shall speak of.

A proposition of his, soon after he became a member of the Judiciary, was that an article should be proposed to the legislatures of the several States, as an amendment to the Constitution of the United States, to take effect from and after 1860, regulating the mode of election of the President and the Vice President, and in the first session of the Twenty-ninth Congress, 1845, he re-introduced this amendment as a joint resolution.

About the period of his re-entrance into Congress, Mr. Vinton was appointed one of a committee of nine to revise certain standing rules and orders of the House. This was a work he was well fitted to perform, having always been a close student of parliamentary law. Having added to his investigations in this direction a valuable experience, he had gained a familiarity with all the rules regulating debate and the laws of the House. This knowledge gave him great advantages as a party leader, enabling him to seize and avail himself of each occasion as it arose and gain any opportunity to be derived by a skillful tactician. Thus when he became Chairman of the Committee of Ways and Means, during the period of the war with Mexico, he evinced a special faculty at this most critical juncture for the systematic expedition of business.

Mr. Vinton also possessed one absolute qualification that enabled him to exert a dominating influence over others, in never losing command over himself. This remarkable and firm self-control must have resulted from the continued exercise of a severe mental discipline and unconquerable will power, inasmuch as Mr. Vinton was naturally of a very sensitive, highly strung, nervous temperament, being a man of deep feeling and slight bodily frame.

To a close observer and analyst his appearance indicated very fairly what manner of man he was. His mild, but penetrating, clear blue-gray eye meant a kindly, but well-balanced intellectual light, while his thin, compressed lips evinced the singular determination of his character, and the high and ample brow heralded a domain of thought that inspired respect.

Soon after the terrible affliction in 1831, of the death of his dearly beloved wife, whose loss he never ceased to deplore till the day of his death, an affliction made all the more crushing by the sudden decease a few months later of his only son, a bright child of rare promise, his profusion of brown hair turned gray, and from gray soon softened into a silvery white that added a serious dignity to his appearance, while comparatively a young man.

Mr. Vinton's manner was calm and composed amidst the excitements of the political arena, but in social circles he was conversational, affable and suave, giving more than glimpses of the real tenderness of his nature.

I pause midway in the recital of his life's history, affectionately to transcribe this pen-portrait, from the ineffaceable impressions, the vivid coloring of his dear and honored presence stamped upon my heart and fixed in my mind's eye. Thrice happy those whose virtues cause their children to "rise up and call them blessed!"

But to revert from the personality of the man to the crowded events of his busy life.

On February 12, 1844, there arose a very acrimonious debate, involving the jurisdiction of the States, on the contested elections of the members of the House of Representatives, elected

by the general ticket system in the States of New Hampshire, Georgia, Missouri and Mississippi.

Mr. Vinton made a speech that day in which he opposed the nullification of a solemn law of the land by the four States that had thought proper to refuse to comply with the law of Congress declaring that elections should be by single districts throughout the United States. He argued that if the law of Congress should be considered the valid law of the land, as a valid law, it puts aside State legislation. In the absence of any legislation by Congress, Mr. Vinton held that the States had unqualified jurisdiction. Congress might interpose to alter, to frame another body of legislation. The duty was *mandatory* upon the States but discretionary with Congress. This is a provision of the Constitution of the United States, made in pursuance to the Constitution, anything in the constitution or laws of any State to the contrary notwithstanding. At the close of his remarks Mr. Vinton made an eloquent plea in behalf of sustaining the Constitution.

On February 14, 1845, (second session twenty-eighth Congress), Mr. Vinton made a speech on the admission of Iowa and Florida into the Union, in which he forcibly exposed the danger arising from the policy of giving to the new States laid out in the West a greater extent of territory than they ought to have had, thus depriving the West of the political power to which she should be entitled. He pointed out that these States of sufficient area to contain a population equal to two or three Atlantic States have, in this way, no more representation in the Senate than any of them, adding, regarding the admission of Iowa, that he believed the great Western Valley would become the conservative power of the Union.

Mr. Vinton entered Congress in 1823, under the second administration of that model statesman, James Monroe, who had held the ship of State amidst threatening breakers taut and safe, and who left her, to all appearance, calmly anchored in tranquil seas. We were at peace and the country prosperous, while the public and those who served the public alike felt the ennobling influence of so wise and conservative a chief.

It was a fortunate moment in which to enter Congress, and

the lessons of patriotism then taught sank deep into the heart of the earnest young member, and formed a controlling influence during his long and arduous career.

During the succeeding administration of John Quincy Adams this pleasing period of good feeling was swept away, and the strife of political clashing was heard throughout the land. Calhoun's baneful sectional ambition and Jackson's angry star had risen, while Adams, as pure a patriot as the country has ever had, lacked the conciliatory dexterity and, possibly, the administrative ability of Monroe.

Mr. Vinton at once applied himself to the questions of moment as they arose, and when, in 1829, Andrew Jackson was inaugurated he found that he was of necessity in conflict with the entire policy of this popular autocrat. With that peculiar sagacity which was always his from the first, he foresaw with an almost prophetic ken the disastrous result of Jackson's reckless and tyrannical policy. He was placed in strict opposition to the spirit that dominated the measures that prevailed during this prolonged administration of eight years of high-handed democracy that ended in the financial distress of the country.

When Mr. Vinton re-entered Congress in 1843, the Whig party was enduring the humiliation of their mistake in the election of John Tyler, and were forced to look on while the iniquity of Texan annexation was being exacted. Their situation as a party was less painful when in open opposition to James K. Polk than it had been under the unexpected and unprepared for betrayal of Tyler.

During the odious war of Mexican Conquest forced upon the American people by Polk, Mr. Vinton was Chairman of the Committee of Ways and Means, with all its responsibilities at such a time. He had served on this committee since 1845 and was fully conversant with the situation, so that when, in 1847, he was named chairman he knew how to guide the helm in this perilous time.

Of this appointment Schouler says, in his history of the United States*: "Samuel F. Vinton, of Ohio, a member of ripe

* Vol. V, p. 76.

years and experience in the House, who had declined to contend with Winthrop for the first prize, received with party approbation the distinction of Winthrop's selection for Chairman of the Ways and Means and leader upon the floor."

Mr. Winthrop himself generously says* of Mr. Vinton: "Now, the truth is that we never disagreed about anything, and that I was nominated and elected speaker after he had declined the nomination on account of his age and health, and with his earnest advocacy and support."

Subsequently, during the long period of time that intervened in 1849, when Mr. Winthrop, after sixty-three ballottings, failed to be re-elected speaker, it was resolved, that the order of the House might be preserved, "that Linn Boyd and Samuel F. Vinton act as chairmen of this House, each sitting alternately one day at a time, until a speaker is elected."

Finally, however, this most obstinate partisan contest for the election of speaker, which had lasted until December 24 without the House having been able to effect an organization, was finally ended by the adoption of a resolution by the House, that the largest number of votes cast for any one member should elect the speaker. Accordingly Howell Cobb was declared duly elected, having received 102 votes against Robert C. Winthrop's 100.

After this election, Mr. Vinton continued to remain upon the Committee of Ways and Means, but not as chairman. The period of his greatest activity may, therefore, be fixed as within the two years of his leadership in the House. But these were years filled with the heavy burden of war, of legislative turmoil, of sectional strife, of the accomplishment of iniquitous schemes by the administration, and of financial strain.

About this time, Mr. Vinton made a series of very able speeches. February 3, 1848, he addressed the House on the project of direct taxation for the support of the war with Mexico. Mr. Vinton said "he never would vote to lay a direct tax to support the war, so long as any other means remained by which the revenues of the country could be replenished."

* Remarks at a meeting of the Massachusetts Historical Society October 9, 1890, p. 5.

"The war was begun in 1846, and the country then had a revenue system which, had it been suffered to remain, would have brought into the treasury many millions more than were now to be found there. * * * But the party in power had established the sub-treasury and cut the government off at a single blow, in a time of war, from all aid to be derived from the banking institutions and from the use of the ordinary business currency of the country. Having thus created a necessity of an increased revenue to meet the war expenses, they proceeded at the same session to abolish the then existing tariff of duties, and substituted another in its place, by which at least one-third of the duties were stricken off, and the revenue reduced accordingly."

Mr. Vinton called upon the administration to revise its tariff. February 8, 1848, Mr. Vinton made a speech, showing how far below the actual needs of the war with Mexico, were the estimates made by the Executive.

The Executive had stated that if the war with Mexico should be continued till July 1, 1848, a loan of twenty-three millions of dollars was all that would be wanted to carry the government forward to that date, and leave a surplus of four millions in the treasury. * * *

The loan was granted by Congress, and the money obtained. And now they are informed that an additional loan of sixteen millions would be required.

Then Mr. Vinton showed, by carefully-prepared estimates, that in reality the expenditures would far exceed that sum, and he made a sad disclosure of the present and the prospective condition of the financial affairs of the country.

Looking into the executive estimates of the year for the prosecution of the war with Mexico, he showed how the income of the government had been overestimated by the secretary of the treasury, and its expenditures underestimated by the secretary of war, and he then proceeded to discuss the various methods of meeting these demands.

He deprecated any sacrifice of the public lands, and thought we should look to the customs for the support of the government. He called upon the government to abandon its mis-

chievous free-trade policy and come back again to the protection of the home labor of the country as the only sure foundation of public prosperity, and of abundant supply of revenue.

February 16, 1848, Mr. Vinton, availing himself of the privilege allowed him by the rules of the house to close the debate, made the concluding speech on the loan bill, in which he reviewed the discussion, taking up various points made by the Democratic party, and reiterated his opinions as to the preferable mode of raising revenue for the relief of the treasury. He closed by saying that he felt assured that "no remedy short of peace and protection to the American laborer could restore to health and vigor a bleeding and sinking country."

Mr. Vinton opposed to the last, not only the annexation of Texas, but its consequences. He thought that it was not the policy of this country to acquire any territory beyond the Rio Grande. He deemed the war with Mexico unnecessary and unconstitutionally begun by the President of the United States. He also objected to the duties levied upon American citizens, and upon neutrals in those parts of Mexico which were in possession of the American army, under a tariff enacted by the President of the United States, as without warrant of law. And as to the rights and powers of the executive in time of war, he said the executive power was constantly increasing by implication, and whatever power was once permitted to be exercised without being denied by the proper legislative authority, was considered as established forever. It was the congress of the United States that had the right to pass a tariff of duties. The constitution gave to congress exclusive power to levy taxes and raise armies.

It is evident that Mr. Vinton preferred a decrease rather than an increase of executive power, for in his speech on the Oregon bill, he said "that he was led by experience of the past to oppose the veto altogether. In this bill he should vote for striking it out."

It is to be supposed that had Mr. Vinton foreseen the speedy extinction of the slave power, he would have modified his objections to an increase of territory beyond the Rio Grande.

But this is merely the supposition of the writer, for Mr. Vinton was very far-seeing.

Upon the death of the illustrious and venerable John Quincy Adams, which sad event occurred February 23, 1848, Mr. Vinton was appointed one of a committee of arrangements for the funeral ceremonies; and February 24, when the house met to offer public testimonials of their profound respect, Mr. Vinton, among others, delivered an eulogium which might well serve as a model for similar efforts. It is a masterpiece of brevity, simplicity, just thought suited to the occasion, and deep feeling.

On February 12, 1849, Mr. Vinton, from the committee of ways and means, reported a bill to establish the Department of the Interior, explaining at length the scope of this department. This bill was passed February 15th, entitled "An Act to Establish the Home Department."

The objections so strenuously urged against this bill at this day read strangely, for there was a heated debate on the subject. Schouler says: "One single act of legislation left the session notable. This was the creation of a new executive department, styled 'The Home Department,' but formally described in the body of the act as 'The Department of the Interior.' * * * Vinton, from the Ways and Means, reported accordingly a bill in the House, which went through by a strong non-partisan vote, and the Senate, on the last day of the session, concurred in the measure."*

It was one of the distinctive excellencies of Mr. Vinton that he had a remarkable faculty of making complex questions clear. An analytical mind and great force and simplicity of expression obtained this result.

April 30, 1850, he proposed a change in an organic law, which of itself alone entitles him to the grateful recollection of the country. It was proposed in the shape of two amendments to the Census Bill. Mr. Vinton said that the Constitution enjoined an apportionment of the Representatives amongst the several States, according to their respective federal numbers,

*Schouler, History of the United States, volume 5, page 121.

every ten years, and this law which directs the taking of the census is by its nature and object an organic law. The amendment guards against any contingency, or its consequences, by providing that in case Congress shall omit at any future time to pass a census act before the commencement of the year, when it is required to be taken, then it shall be taken in conformity with his act, which was as follows:

"Be it enacted, that this act shall continue in force until altered or repealed; and if no other law be passed providing for the taking of any subsequent census of the United States, on or before January 1 of any year, when, by the Constitution of the United States, any future enumeration of the inhabitants thereof is required to be taken, such census shall, in all things, be taken and completed according to the provisions of this act."

The second amendment established the permanent organization of the House of Representatives.

The substance of this proposed new rule of apportionment was, that after the completion of each census the aggregate result was to be divided by a certain number, and the product of such division made the ratio or rule of apportionment of Representatives among the several States. Then in order to ascertain the representative population of each State the whole number of such representative population must be divided by a ratio already determined on. Mr. Vinton explained, that this would fix the number of the House on a permanent footing, as heretofore the body became disorganized every ten years and took the chance of reconstruction. Added to this were minor propositions with regard to the adjustment of fractions.

The census law, although organic, was heretofore so framed that in case of an omission by Congress to direct it, there could be no apportionment of Representatives, consequently no House of Representatives, after the time when by the Constitution the apportionment should be made.

And thus by such an omission the House would have been dissolved and the Government in fact unhinged, without the possibility of reorganizing the House and putting the law-making power in motion again by any constitutional mode.

It will be seen that, failing to make this change, the Government remained only temporarily, not permanently, organized under the plan of legislation heretofore pursued, which was. First, a law to take the census, and then a law to declare what number of members shall constitute the body, and then to apportion them among the several States. It may readily be seen that if either be omitted the Government is unhinged.

But by this amendment of Mr. Vinton, the existence of the Government is put beyond hazard from this cause. Thus Mr. Vinton fittingly, as he drew near the close of his public career, in providing a law for the self-preservation and perpetuity of the Government, performed the highest function of statesmanship by completing in this direction the organization of the Government and placing it beyond the reach of accident or faction from this cause.

And the simplicity of the arrangement brings it within the general comprehension, for by a division of the whole representative population of all the States, by a number fixed upon, the ratio is thus ascertained which would be entitled to a member.

Then by another division of the whole representative population of each State by this ratio the number of members for each State is arrived at. Mr. Vinton had proposed the number 200, but considered that as quite subordinate, although in his own opinion the proposed number was too large.

A very able public man and jurist, the Hon. C. H. Grosvenor, of Ohio, in a letter before me, in reference to this law of apportionment, says: "The principle of the law of 1850, which Mr. Vinton introduced, is still applied to the statutes relating to the congressional apportionment." * * *

"So the estimate, following the law of 1850, is this: Congress decides first how many shall constitute the House of Representatives and this number is the divisor, and the entire population is divided by those figures, and the result is the ratio of representation. * * * So you see that the *principle* upon which that law proceeded has been perpetuated through all the years since his time, Mr. Vinton having laid the foundation for an equitable statute for all time to come."

* * * "About this time a compliment received was the naming* of Vinton County, which was formed March 23, 1850, from Gallia, Athens, Hocking, Ross and Jackson counties, and named in honor of Samuel Finley Vinton."

Mr. Vinton was a Representative in Congress twenty-two years in all; from 1823 to 1837, and again from 1843 to 1851. He then voluntarily withdrew from the turmoil of public life, and most positively declined a re-election.

While Mr. Vinton was still in Congress, the venerable ex-President, John Quincy Adams, said of him in 1846, that "he knew him well; he was a man of decided ability; very few, if any, in Congress were his superiors; when he spoke, it was to good effect; he was a man, not only of talents, but of integrity."†

And this is no stinted praise from one colleague to another, while both were actively engaged in the political arena.

On the accession of Mr. Fillmore to the Presidency, Mr. Vinton was tendered the office of Secretary of the Interior, which he felt compelled to decline on account of impaired health, as he had previously declined, in 1847, and for the same reason, the Speakership of the House.

In 1851, Mr. Vinton consented to accept the candidacy for Governor of Ohio, and this at a time when, owing to a very peculiar combination of unfavorable circumstances, defeat was considered almost certain, although it was hoped that so strong a nomination might possibly ensure success.

Mr. Vinton himself regarded the election of any Whig as impossible, at the time he generously allowed his name to be used, nor was he mistaken in his opinion, as to the result.

Of this election Schouler says: "Ohio remained with the opposition as before, though the Whigs put up Vinton, one of the ablest and purest of their party, as a candidate." (Vol. V, page 226.)

In 1853, Mr. Vinton assumed the presidency of the Cleveland and Toledo Railroad, which he consented to retain for one year, for the purpose of a thorough organization, when he re-

* Howe's Ohio, Vol. III., p. 421.

† Vinton Memorial, p. 197.

signed the post and returned to Washington City, where he continued to reside until the period of his death, May 11, 1862.

The Hon. Thomas Ewing, of Ohio, wrote of him upon hearing of his death:

"I feel his loss deeply. Though for ten or fifteen years he had more influence in the House of Representatives, much more than any other man in it, yet the nation has never appreciated him fully according to his merits. He was a wise, sagacious, persevering statesman; almost unerring in his perception of the right, bold in pursuing and skillful in sustaining it, he held always a large control over the minds of men with whom he acted. Within the range of my acquaintance, he has hardly left his peer behind him."

And on March 3, 1880, Alexander H. Stephens, of Georgia, in a speech made in the House of Representatives, alludes to Mr. Vinton as a Whig leader in these words: "Samuel F. Vinton, of Ohio, whose acquaintance with the rules, great prudence, and sound judgment, rendered him, perhaps, the most prominent leader on the Whig side."

This is a dispassionate verdict, given nearly twenty years after his death, and may thus well pass into history.

Mr. Vinton was always in his political affiliations a Whig of the old school, and he regarded with dread the radicalism of the ultra Republicans. Still, during the last years of his life, the moderate Republicans regarded him as one of themselves; yet, when urged by old Whigs to nominate him for the Presidency in 1860, as a man who would secure the conservative vote North and South, they replied "that he was too good a man to secure the nomination."

* "During the closing years of his life he lived in dignified retirement, his home being a hospitable center, much frequented by the best society of the country, where Mr. Vinton was consulted by the public men of the day on all leading questions.

"When the dark days of civil war, during which his life closed, threatened the nation, many and anxious were the deliberations held at his house as to the best means to avert the swift-

¹ *Cyclopædia of the State of Ohio*, Vol. IV, page 219.

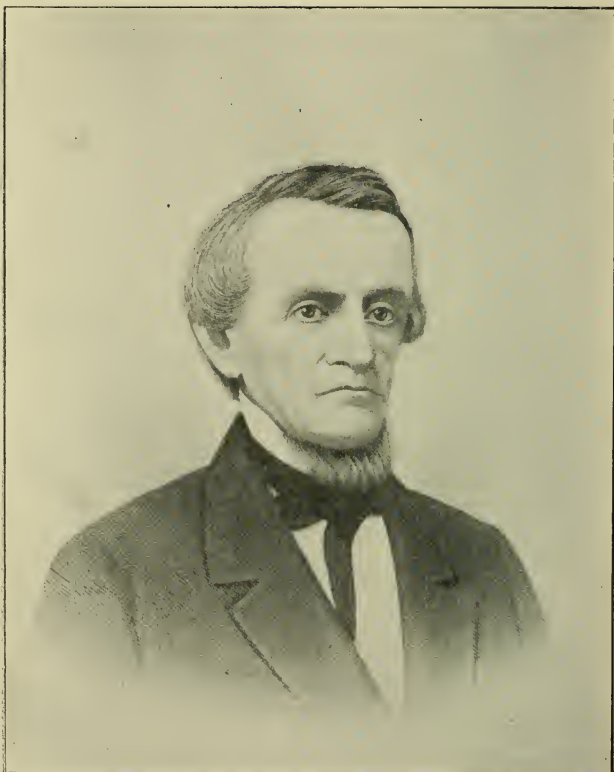
coming calamity of secession, but his prescient mind foresaw from the first the impending ruin.

"During his residence in Washington as a private citizen he never opened a law office for the transaction of law business, but would when desired argue a law case of importance before the Supreme Court of the United States. He was remarked as singularly successful in the prosecution of his cases, and this success doubtless arose in great part from his habit of patient investigation and clear analysis. He exhausted every subject he discussed, and presented his thoughts without rhetorical flourish, but with wonderful lucidity.

Mr. Vinton never associated himself with any of the religious denominations, although he reverently believed in God and His revealed law, so far as he understood it. No purer or more unselfish patriot ever served his country. His first and highest thought was the national good, and in this ardent desire for the common welfare he merged his own career and all personal considerations.

His last public service of note was as a member of the celebrated Peace Convention, held in 1861. Some weeks previous to his death he had yielded to the urgent solicitations of many, and accepted a place as one of the three commissioners appointed by President Lincoln to adjust the claims of slaveholders in the District of Columbia at the time of the manumission of their slaves.

Mr. Vinton died of traumatic erysipelas after a brief illness, and it was his dying request to be buried in the cemetery of Gallipolis, O., beside the dear wife whose memory he had so faithfully cherished for over thirty years. His only surviving child is the writer of this all too inadequate sketch.



Sam Gallinry

SAMUEL GALLOWAY.*

BY WASHINGTON GLADDEN, D. D., LL. D.

It is hardly necessary to ask where the Galloways came from. Their name bewrayeth them. The southwesternmost peninsula of Scotland, jutting out into the Irish Channel, and separated by only a few miles of water from County Antrim in Ireland, was known as the Galloway district. Burns's country of Ayr was just north of it, Carlyle's country of Ecclefechen and Dumfries was just east of it, and Wordsworth's country of Cumberland was not far south of it. The green hills of Ireland were in plain sight of the eastern shores of Galloway, and their invitation was accepted by numbers of the Scotch people, who crossed the narrow strait and made for themselves a home in the north of Ireland. Thus it was, no doubt, that some Scotch John or Alexander or Andrew of Galloway found his home and his surname in Ireland. How long the race had been established on Irish soil we do not know; it was early in the history of this country that the first Galloway took up his further journey westward, crossing a broader sea, and setting up his roof-tree in Gettysburg, Pa. About the same time the Buchanans, another Scotch-Irish family, came to the same neighborhood; and a daughter of the Buchanans became the wife of James Galloway and the mother of Samuel, our honored townsman. President James Buchanan and Samuel Galloway were cousins; politically they were somewhat distant cousins, I judge, from a remark in a letter of Galloway to his brother, written in the last days of 1860. "Are you troubled," he asks, "about the secession of South Carolina? I am; but I should not be troubled if we had a man of principle in the White House." Evidently he was not inclined to shade the truth on account of relationship.

It was in the ancient and renowned town of Gettysburg that Samuel Galloway was born March 20, 1811. The paternal residence is still standing, as I learn; during the eventful days of '63

* An address delivered at the First Congregational Church, Columbus, January 6, 1895.

it was occupied as a hospital by one or the other of the armies. In the schools of Gettysburg Samuel received his primary training; and it was here that Thaddeus Stevens, then a rising young lawyer of that town, heard young Galloway speak at a school exhibition of some sort, and at once predicted for the boy a brilliant future. Stevens did not lose sight of him; and a friendly correspondence followed the removal of Galloway to Ohio.

It seems difficult to fix the date of this migration. It occurred after the death of his father, and was probably as early as 1828 or 1829, when he was seventeen or eighteen years old. The family settled in Greenfield, Highland county; and in 1829 Samuel entered Miami University, at Oxford, from which, in 1833, he graduated at the head of his class.

He at once began the study of law at Hillsborough; but his religious nature had been deeply stirred by some experience, and he abruptly abandoned his legal studies and went to Princeton, where he remained one year as a theological student. Why he did not complete his theological course I do not know; financial considerations may have constrained him to turn, for a while, to the work of teaching. In 1835 he was made Professor of Greek at Miami University; but resigned, on account of ill-health, at the end of a year. When his health was recovered he resumed teaching, first at Springfield in this State, and later at South Hanover College in Indiana, where for two or three years he was professor of the classical languages.

The biographies which have appeared in the Cyclopedias and the Collections all state that his purpose of abandoning the ministry for the law was clearly formed when he left Princeton, but I have good evidence, in a long letter written from South Hanover, in 1840, to his brother, then a Presbyterian pastor at Springfield, that the question of his calling was not even then settled. It is a most interesting epistle as showing the workings of this alert and penetrating mind. He has recently been visiting in Shelbyville, Kentucky, and lecturing there on Education and Temperance; and he makes some interesting observations on the state of society which he finds there. "They are a people," he says, "distinguished for their liberality and enlightened

views of human rights. Many of the people there talk freely on the subject; they admit slavery to be a sore evil and are anxiously looking forward to the day when the curse shall be removed. The great error that I observed in their views is their disposition to shuffle off the responsibility from themselves upon the State."

These interesting comments are, however, but introductory to the principal theme of his letter, which is a full expression of his mind concerning his future career. "I intimated," he writes, "to Bro. Steele, when we met in Kentucky, that I thought it not improbable that I might connect myself with the Presbytery in the spring. * * * I am still of the same opinion, yet halting. I am aware that the state of suspense in which I have been for three or four years is not only unfavorable to my own advancement, but especially unfavorable to my usefulness and comfort, but these are simply and honestly my feelings upon the matter. I have been so much thwarted and disappointed in my intentions in regard to the ministry, that I have more than once come to the conclusion that it was not the will of Providence that I should serve him in that department of labor. This, in addition to conditions arising from impaired constitution and my peculiar temperament, have placed me in my present unsettled condition. If I know my own heart, my object is to glorify God, and no considerations drawn from wealth or the praise that cometh from man have ever eclipsed this object in my eye. Many of my choicest Christian friends have frequently advised me to seek some more active life than that of the ministry; and have (I have no doubt honestly) suggested that I could be useful to the church and to the world by becoming a politician, and thus make my talents bear upon some of the important moral subjects involved in the legislation of the present day. I have always believed that I had some natural adaptation of mind for such and similar pursuits; and nothing but the conviction that it was difficult to keep a conscience void of offense toward God and man ever induced me to abandon the law and to turn an unwilling ear to the solicitations which have been offered by many estimable friends. If I now thought, or had thought, that I could have been preserved faithful to God by such a consecration of my talents, I would not have hesitated, or now hesitate, a mo-

ment to make that disposition of my abilities. I am as sensible of my imperfections as any individual can be, and especially of that levity of temperament over which I have prayed and wept, and hence I have seriously apprehended that this might be a great hindrance to my usefulness in the ministry. These thoughts are honestly submitted and I ask your advice."

These words show that under the lightness of temperament there was, after all, a deep seriousness; and that a genuine self-criticism was habitual with him.

It was very soon after this that the wavering judgment settled, not upon the ministry, but upon the law; for it was the next year that he returned to Ohio and began the study of the law; in 1842 he was admitted to the bar; and in 1843 he formed a law partnership with Nathaniel Massie of Chillicothe. "He made his maiden speech," says one biographer, "in Hillsborough, in the presence of several of the most distinguished members of the bar in Southern Ohio. All gave him high commendation for this effort, the jury according him the verdict without leaving their seats; and such was the impression upon the Hon. Thomas L. Hamer, who was present, that he said, 'Galloway, retire with your laurels; you will never be able, in any further effort, to equal or surpass this.'"

The next year he was elected by the Legislature Secretary of State—that office, under the old constitution, being filled in that way; and he at once moved to Columbus, which was thenceforth his home. This was in 1844—the year that Henry Clay was not elected—a memorable year in the politics of Ohio. Galloway was thirty-three years old and he had seen a good deal of the world in one way and another; for during his teaching experience he had been in great request as a lecturer and speaker upon education and temperance. The days of the Washingtonian movement were just passing and Galloway had entered into that with great enthusiasm, speaking everywhere, in churches and halls and school houses, and leading great numbers of the victims of drink to reform their habits. In the letter from which I have quoted he tells his brother that between 80 and 100 persons signed the pledge in the meetings which he held in Kentucky.

He was, therefore, when he arrived at the capital, a practiced and telling public speaker; and it was not long before he had won a place in the popular regard of this community from which he was never to be dislodged.

The question of slavery was coming to the front in those days, and the relation of the two parties to this question was something like the present relation of the two great parties to the currency question; there were free-soil whigs, and pro-slavery whigs; "woolly heads," and "silver greys," as they were afterwards distinguished in New York. Mr. Galloway's sympathies, as his letter about Shelbyville will indicate, were always with the anti-slavery wing of his party, though he preferred to make his fight for liberty inside the party, rather than to join the anti-slavery organizations then coming to the front. With Governor Andrew of Massachusetts he would have said, "I am not a Come-outer, I am a Stayinner." In 1848 he was a delegate to the convention in Philadelphia which nominated Taylor and Fillmore; and a speech which he made on that occasion was long remembered for its thrilling eloquence. We have no report of it, but its trend may be indicated by a quotation from one of Whittier's anti-slavery poems, entitled "New England," a poem, by the way, which has failed to find a place in his published works. The lines were said to have been given by Mr. Galloway with thrilling power:

"Shall Honor bleed? shall Truth succumb;
Shall pen and press and Love be dumb?
No, by each spot of haunted ground
Where Freedom weeps her children's fall;
By Plymouth's rock, and Bunker's mound,
By Griswold's stained and shattered wall,
By Warren's host, by Langdon's shade,
By all the memories of our dead,
By their enlarging souls which burst
The bands and fetters round them set,
By the free Pilgrim spirit nursed
Within our inmost bosoms yet,—
By all above, around, below,
Be our's the indignant answer, No!"

The real drift of the speech may be inferred from the remark of an enthusiastic whig from Mississippi who came over to Mr. Galloway after the roar of applause was stilled and said, "Mr. Galloway, we applauded your poetry, but we [condemn] your sentiments." He did not really say "condemn"; he used a more scriptural word.

In 1854 Mr. Galloway went from this district to Congress. It was a notable Congress, the Thirty-fourth. The reaction against the encroachments of the Slave Power had fully set in at the North; the Whig Party, on account of its cowardly complicity with slavery had been practically annihilated, and the great majority of the members returned from the Northern States were pledged to resist the further extension of slavery. The Congress assembled on the third of December, but the House was not organized until the third of February, when Nathaniel P. Banks, on the one hundred and thirty-third ballot, was chosen Speaker. On the midnight of the second of February Mr. Galloway was aroused from his sleep and summoned to a conference which lasted till near daybreak; when he came in, in the early morning, he admonished his wife to be in attendance at the next morning's session, if she wished to witness the election of a Speaker. The necessary arrangements had somehow been made and the long deadlock was broken. Mr. Banks was the first anti-slavery man ever chosen Speaker of the House; and the victory was the first forward step in that irrepressible conflict which placed Mr. Lincoln in the White House.

These were great days. Gog and Magog were mustering for battle. The Missouri Compromise, shutting slavery out of all the territory further north than the southern boundary of that State had been repealed, permitting the invasion, by slavery, of the whole Northwest; the battle had begun, on the soil of Kansas and Nebraska, for the possession of this territory. It was during the session of this Congress that Sumner was assaulted and nearly killed on the floor of the Senate chamber; and the wrath of the Northern people was kindled to a blaze. Some of us remember well the swiftness with which events were marching on; the irresistible momentum of the gathering forces; the thrill of resolute purpose, mixed with apprehension, with which

we watched the progress of the conflict. It was a day when convictions ripened fast, and when manhood quickly came to its crown.

Mr. Galloway took an active part in the deliberations of this congress, and made at least one very trenchant speech upon the contested election case from the territory of Kansas. It is full of the keenest satire, and the most vigorous argument. Kansas was organized under the principle of popular sovereignty, leaving the people of each state "perfectly free to form and regulate their domestic institutions in their own way." But the territorial legislature, organized by fraud and violence, proceeded to enact laws which made it a penitentiary offence for any person to write, publish or circulate in the territory any book, magazine or newspaper in which the right to hold slaves in the territory was called in question. Galloway comments, in his own cutting way, upon this legislation, in view of the organic law under which the settlers were "perfectly free" to regulate their own domestic affairs.

"Perfectly free!" he cries. "So were those victims whom the fabled robber, Procrustes, placed upon his iron bed. They enjoyed a free use of their legs; but if they were not adapted to the principles of his legislation he stretched them if they were too short, or lopped them off if they were too long, to suit the length of his law in regard to free legs. Tantalus, also, in his fabled hell, was perfectly free to eat and drink. To be sure, when he undertook to exercise the liberty of drinking, the water retreated from his lips, yet he was free to use what he could not get. He was perfectly free to eat of the rich clusters of grapes that hung above him; but when he attempted to seize them, the wind blew them from his grasp. So will the waters of political salvation, and rich clusters of grapes of freedom around and over the people of Kansas. As soon as the thirsty and hungry for political freedom attempt to eat or drink, although *perfectly free* to do so, they are seized and imprisoned for exercising their appetites in their own way."

And then he goes on to quote what eminent Southern Democrats have said about slavery—Randolph and Jefferson and Rives and Marshall and other distinguished Virginians—

and shows that for the utterance of such words upon the soil of Kansas they would be liable to imprisonment. And he concludes with a burst of indignant eloquence, of which another strain from Whittier forms a telling climax. We cannot wonder that the speech produced a sensation, nor that periodicals as critical as *Blackwood's Magazine* and the *North British Review* gave it deserved commendation.

Mr. Galloway was not returned to the Thirty-fifth Congress; the political complexion of the district was strongly against him, and he was defeated, upon his second candidacy, by Samuel S. Cox.

*For the next few years he was living in Columbus, practicing his profession, and very active in all religious and philanthropic work. It was less than two years after he left Congress that Mr. Lincoln was engaged in his great debate with Douglas, and there is a letter of Mr. Lincoln's asking Mr. Galloway to come over to Illinois and help him in that campaign. Whether he went or not I do not know; but I think that he was a delegate to the Chicago convention, and it is certain that he exerted all his influence in favor of the nomination of Mr. Lincoln for the presidency. That the work he did in that campaign was enthusiastic and effective may be safely assumed.

When Mr. Lincoln was here in the spring of 1861, on his way to the White House, he had a confidential interview with Mr. Galloway, and summoned him to Washington. Mr. Galloway obeyed the summons, and it is understood that Mr. Lincoln

*On July 13, 1855, a convention was held in the old Town Street Methodist Church in Columbus, attended by delegates from all over Ohio representing anti-Nebraska elements, and presided over by John Sherman. Mr. Galloway was one of the delegates at that convention, and aided in framing the resolutions which gave the name of "Republican" to the new party. And this date, the sixty-seventh anniversary of the adoption of the ordinance of 1787, containing the prohibition of slavery in the Northwest Territory, marks the birth of the Republican party. This convention nominated Salmon P. Chase for Governor, and he was triumphantly elected in the following November. On the 18th of July a meeting was held at the City Hall to ratify the convention of the 13th, and the principal speakers on this occasion were Mr. Galloway, Henry C. Noble and George M. Parsons.

made him flattering offers of responsible positions in the government at home, which he refused. High places in the diplomatic service were tendered him. But he could not bring himself to put the ocean between himself and his native land in this hour of her extremity. "Well," said Mr. Lincoln, "what will you take? Here are thousands crowding upon me for places; it is a pity that I cannot give something to a man like you." Mr. Galloway would only promise to go home and consult his wife; and the upshot of it all was that he was made judge advocate at Camp Chase, and had the duty of examining the political prisoners—the non-combatants, who were arrested and sent to this prison from the South because they were supposed to be particularly dangerous enemies of the Union. Many of these were discovered to be ignorant and probably harmless persons, having very hazy notions about the meaning of the war; and most of them were permitted to take the oath of allegiance and return to their homes. A gentleman who was with Mr. Galloway through all his experience gives some amusing accounts of Mr. Galloway's shrewdness and humor in conducting these examinations.

This was, I believe, the only federal office he ever held. But he was in the closest relations, during the war, with Mr. Lincoln and Mr. Stanton, and his counsel was sought more than once during that fierce struggle. There is one vivid report of a conference at Washington in the very darkest days of the war, when Pope's defeated army was huddled into the earthworks about Washington. By telegraph Governor Tod and Mr. Galloway were called to Washington for consultation. Only five persons were present at this interview in Mr. Lincoln's private office—the President, the Secretary of War, the Governor, Mr. Galloway and the anonymous writer who tells the story. Mr. Lincoln was in great depression; as he sat there with Governor Tod, the narrator tells us, his countenance bore the impress of the most agonizing thought; his tall, ungainly form seemed bent with the burden of a great calamity. Some minutes, probably a quarter of an hour, elapsed before the ominous and sombre silence was broken and then only by the announcement of Samuel Galloway, whose entrance seemed to unfold, as it were, the President's countenance. As that gentleman entered the

room, Mr. Lincoln advanced to the door, wrapped Mr. Galloway in his arms, with the exclamation, 'God bless you, Sam.'"

It may have been on this occasion that the President made the remark, "I would rather see you than any man in America." The little group drew around a small table in the center of the room, and began to consult about the emergency, coming to a substantial agreement as to the first step to be taken. Then the conversation took a wider range, and Mr. Lincoln began to discuss the effect of the preliminary proclamation which had been recently issued, warning insurgents under arms that the slaves would be set free by proclamation, if they did not, within ninety days, lay down their arms. Lincoln was confident that this would give the rebellion its finishing stroke; and Mr. Tod agreed with him, while Stanton and Galloway were somewhat skeptical. "Well," said Mr. Lincoln, "let us conclude that it will, and that that phase of the question is finally settled. What most concerns me, however, is the after consequences of this wholesale emancipation of four millions of people, who for a period of more than two centuries have been in the most absolute bondage, and who, necessarily, are totally devoid of the requisite intelligence to enable them to take care of themselves." And then he proceeded to discuss, in a most sagacious and luminous manner, the whole problem of the uplifting and enfranchisement of the slaves. He spoke at great length; and in speaking, this witness says, he "seemed inspired. His countenance, just before so full of melancholy wrinkles, seemed to smooth out; his eyes shone like diamonds, and his whole contour was of the most animated description. It was listened to in the most complete silence by those in the room; and after its conclusion the silence continued for the space of at least ten minutes. All seemed deeply impressed — Secretary Stanton, in particular, who sat with his hand buried in his beard and the burden of the most intense thought on his expressive brow. Indeed the silence was almost painful.

"Sam. Galloway was the first to break it with the expression, in a cheery tone, evidently intended as a relief: 'Mr. President, how are you anyway?' This remark dissipated the solemnity of the occasion, and, after a short general conversation,

Mr. Stanton took leave of the party, leaving Governor Tod, Sam. Galloway and the President together. Then commenced what might be called a relaxation. Mr. Lincoln told one of his inimitable stories, Galloway duplicated it, and Tod triplicated it,—they were all celebrated in that line; and thus another full hour and a half was consumed, after which the Governor and Mr. Galloway took leave of the President and went to their hotel."

The services which Mr. Galloway rendered to the Federal cause during the war were many and constant. He could not undertake military duty on account of his broken health; but he was always at the service of the Government, and his eloquence contributed as much as that of any other man to inspire the people with patriotic ardor and to keep the quota of Ohio always full.

After the war professional duties and business cares kept Mr. Galloway busy in Columbus; but he was always ready for public duties; and it is probable that few men have rendered a larger amount of unrequited political service to their party than he had rendered. It was not unnatural that he should expect some recognition of this indebtedness; and when, in 1871, he became a candidate for the gubernatorial nomination, he had some reason for his confidence that it would surely come to him. His defeat in the convention was a crushing blow; the pain and mortification and resentment which it caused him greatly darkened and embittered the last months of his life. His health gave way; he sought by travel in the South to regain his vigor, but some constitutional malady claimed him and he came home to die. His last days were very peaceful and beautiful. In the presence of the great realities of existence the strifes of this present world lost all their significance; his disappointments and resentments were put away from his thought; his comfort was in the love of those who stood near him, and in the hopes of the life to come which had always been the anchor of his soul, and he died at peace with God and all the world.

I wish that I could bring before you, in a few words, this unique personality. It was thirty-six years ago last August that I saw him, but his figure has not wholly faded from my

recollection. He was about the medium height, if I do not forget; rather gaunt and angular, with a high and broad forehead, and a face with strong lines. That face was a great fund of histrionic resources; you might almost say it was his fortune. The uses to which it could be put—the characters it could depict, the drolleries it could suggest, the stories it could tell were legion. And his attitudes and gestures were as grotesque as his grimaces. Whenever he was in the mood of it—and he often was—it was enough for him simply to stand up and twist his body into some fantastic pose, and put on one of his characteristic expressions, and the assembly would burst into a laugh.

But he was not a harlequin. There was something more than wagery. Behind all this fun was the ready gift of clear, vigorous, cogent speech.

“It was, perhaps,” says one of his biographers, “as the living speaker that he is most vividly recalled by those who had the privilege of knowing him. In this department he had few equals; none who ever heard him can forget the power of his eloquence. No description can convey a just idea of his manner or style. His efforts were unequal, often affected by a depressed nervous system; but at his best his speeches were a rare union of scathing wit, brilliant sarcasm, intense pathos and inimitable humor, intensified in their delivery by the profoundest feeling of the man. Though full of anecdote and thrilling illustration, yet they were governed by a strictly logical order, and story and fable were linked in a chain of convincing argument. No man could sway more successfully the feelings of a crowd. And when he rose in a popular assembly it was the signal for a tumultuous outburst of applause; ‘the people heard him gladly.’”

His repartee was instantaneous: woe to the venturesome interrupter! He was very familiar with the Scriptures, and while he did not, I think, use them irreverently, they furnished him a great many telling phrases. One who knew him long and intimately, being associated with him in daily work, speaks of his irresistible humor, of his generous impulses, of his great kindness to the poor, of the warm side which it was his nature to show to the unfortunate and the friendless.

It is altogether plain to me that Mr. Galloway was not a perfect man; that he was not even a perfect politician; he lived at too early a date for this; the perfect politicians have all come to Columbus since his day! That levity of his, which he deploras, was sometimes a snare to him; it led him to make game of people behind their backs, and his little jokes at their expense cost him friendships. Yet he was, I suppose, the most popular public man in the city—the one man sure to be called to grace any important occasion when speech was required. And his old friend, the one who knew him best, protests that while there was sometimes satire on his tongue there was never any malice in his heart.

Mr. Galloway's religious convictions were clearly expressed in the letter I read a little while ago. Through all his life in this city his connection with the church was uninterrupted and his labors in its service abundant. He was a member, at first, I think, of the First Presbyterian Church; but when the Westminster Church was formed, he, perhaps more than any one else, was the moving spirit, and his loyal love and service were given to that church until his death. I saw him thirty-six years ago at that church, in an evening prayer meeting, and also at the union morning prayer meeting held, I should think, at that time, in the basement of what is now the Third Street Methodist Church, but what was then the Second Presbyterian Church. There must be many people in Columbus yet who can recall his vigorous talks in the prayer meetings, and the grotesque and semi-humorous manner of saying serious things. It was quite his custom to stand facing the congregation, with one foot upon the bench, and often, in prayer, his elbow would be supported by this elevated knee and his head would rest upon his hand. Not at all conventional; altogether unique and individual was this personality; those who knew him are not likely to forget him.

In the councils of the Presbyterian Church he was an acknowledged leader; more than once he was a Commissioner to the General Assembly; in the final reunion of the Old School and New School bodies he bore an important part.

I have reserved for the last, the mention, which must now

be all too brief, of the most important service which Mr. Galloway rendered to this Commonwealth. When he came to Columbus, in 1844, as Secretary of State, that officer was also *ex-officio* Superintendent of Schools. A common school system had been established some years previous; but there was no thorough organization and no adequate supervision, and the schools of Ohio were in a deplorable state. Mr. Galloway brought to this office an interest which amounted to a passion. It was the day when the importance of education was beginning to dawn upon the people of the Middle and Western States; and the subject was one which held much the same relative importance in the public mind that sociology holds to-day. Apostles of education were going about the country and preaching a crusade against ignorance, in churches and halls and log school-houses; the lecturer on education was in as much request as the speaker on socialism or municipal reform is to-day. Mr. Galloway had been a teacher himself, and had done a good deal of this educational evangelism. We can trace his inspiration pretty directly to one source. Some of his biographers speak of his association with Horace Mann as one cause of it; he may have heard of Mr. Mann, who was then doing good work in Boston as an educational reformer; but it was not until 1853 that Mann came to Ohio, and Mr. Galloway had then for eight years been doing heroic work for the common schools of this State. I find, however, that it was in 1833, the year of Mr. Galloway's graduation, that Thaddeus Stevens, by a most brilliant speech in the Legislature of Pennsylvania, defeated a bill for the repeal of the common school legislation of that State—then only a few years old. Beyond doubt the speech of Stevens was sent by him to the young collegian who was his protege, and helped to kindle his enthusiasm.

At all events, when he came to Columbus he took hold of this subject at once with great vigor and enthusiasm. The Secretary of State who preceded him had given three or four pages to the subject of the schools; Galloway gave to his first report twenty pages, to his second year's report thirty-two; to his third fifty-six. And this is not mere verbiage. It is full of facts, gathered with the greatest industry and patience from all parts of the State; it indicates a voluminous correspondence with

responsible officials; it shows how thorough an investigation is being made into the defects of the educational system, and it presents, in clear terms, the needful remedies. It is not dry reading, I assure you; it is a little more rhetorical, in spots, than would be good form now-a-days; but there is plenty of logic and wit and wholesome Scriptural citation. Now and then he prints a County Superintendent's report *literatim*, which tells the story of the superintendent's illiteracy without the need of a diagram. In his second report he says that the relative position of Ohio, in the cause of education, is so lamentably "inferior, compared with our capabilities, the wants of our people and the pre-eminence of some of our sister States," that the true account of it can only be humiliating to the pride of every citizen. "It is impossible," he says, "even to conjecture what is the number or condition of the school-houses in Ohio; but it is more than probable that a faithful description would embrace a grotesque scenery of broken benches, rocking slabs, broken sashes, absent panes, gaping walls, yawning roofs and floors bowing with infirmity, forcibly suggesting Falstaff's regiment: 'No eye hath seen such scare-crows. There's but a shirt and a half in all my company, and the half-shirt is two napkins tacked together and thrown over the shoulder like a herald's coat without sleeves.' " He asserts, and gives evidence of his assertion, that more than half of the schools of the State are taught by persons who are utterly illiterate and incompetent. "Elevated and commanding as the talents and attainments of a teacher ought to be," he argues, "one obtains license to teach orthography who replied to the question, 'spell ocean,' that there were two ways of spelling it, o-t-i-o-n and o-s-h-i-o-n; another who spelled philosophy, f-i-l-o-s-o-f-e-y; and another who spelled the common word earthly, e-r-t-h-l-e-y. Upon others were bestowed the honor of teacher of arithmetic, one of whom could not tell how many hundred weight were in a ton; another who was ignorant of the multiplication table, and another who could not tell the cost of 9 cords of wood at \$1.37½ per cord. Another was licensed to teach geography who bounded Virginia by Tennessee on the north and Maryland on the east."

These searching and scorching criticisms bore fruit. The:

popular interest was aroused; the slipshod methods were reformed; the standard of the teacher was lifted up; the Teachers' Institutes, which Mr. Galloway first introduced into the State, and at many of which he presided, developed a new spirit among teachers; and within ten years from the time when Mr. Galloway began his agitation, the public school system of Ohio was revolutionized and the schools compared favorably with those of any other State. I do not speak particularly of what was done for Columbus; for I think that there were others, notably Mr. Joseph Sullivant, to whom the schools of this city are more especially indebted; but Mr. Galloway's work was done for the whole State. It was a good and noble work; in the highest sense of the word honorable and patriotic and philanthropic; it would scarcely have been possible for him, in any other profession to perform a service so important and influential as this. Whatever else may be said of him, this great achievement must be remembered to his honor. And it seems to me that Columbus ought long ago to have given to one of its best school-houses the name of Samuel Galloway.

Such, I think, is the fair portraiture, not greatly overdrawn, of the life and character of one of the men of Columbus. I have thought it best to be sparing of eulogy in all these narratives, to tell a plain, unvarnished tale. I would wish, indeed, to reverse Shakespeare's apothegm, and make the good that men have done live after them, leaving the rest to be interred with their bones; but not to dishonor them by fulsome praise or exaggerated estimates.

Of Samuel Galloway, those of you who knew him will bear me out in saying that he was, probably, the most enjoying and effective speaker who ever lived in this city; that he was a genial and agreeable companion; a kind neighbor; a man of generous impulses and true compassion; a loyal and self-denying helper of the Church of his choice; a stout champion of the freedom of the slave and of the unity of the nation; and a great friend of the free school.



*Respectfully yours
Geo des guereux*

LEO LESQUEREUX.

BY EDWARD ORTON.*

The revocation of the Edict of Nantes inflicted an irreparable injury upon the French nation in depleting it of its middle class, from which its industrial energy, its science, literature and art were mainly drawn; but the Protestant neighbors of France gained correspondingly thereby. England, Holland, Switzerland and the English colonies in North America were greatly enriched by this enforced emigration. These Huguenot exiles brought unique and invaluable contributions to the countries in which they found refuge,—intelligence, strong convictions and the courage to maintain them, skill and taste in handicraft, and gracious manners the charm of which was everywhere recognized. They at once became loyal subjects of the governments that sheltered them and their contributions to the public service soon became out of all proportion to their numbers. For example, of the seven presidents of the congress that sat in Philadelphia during the revolution, three were of Huguenot parentage.

It was from this stock that Leo Lesquereux sprung, and by its training and traditions his early life was shaped. His ancestors, when driven from France by the revocation, established themselves in the Swiss canton of Neuchatel and here, in the village of Fleurier, on November 18, 1806, Leo Lesquereux was born. His father was a manufacturer of watch springs, owning a small factory and employing four or five workmen therein. His mother was well educated and had a great love of knowledge and great respect for superior attainments among those whom she met. She insisted that her son should have the best education available, hoping to see him enter the ministry of the Lutheran church.

From his early childhood he had an enthusiastic love of nature and especially of the sublime scenery that surrounded his home. To scale the most difficult summits and to gather the rare flowers that grew there, were among his early ambitions and pleasures. He must have been a daring climber. On one of

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his excursions, when about ten years of age, he met with an accident of so dangerous a character that his escape from death seems almost incredible. He had climbed the mountain that towers above Fleurier, but by a misstep he fell over the edge of a cliff, down the steep mountain side. He struck first upon a projecting ledge and was rendered insensible by the fall; from this point he rolled limp and unresisting, his descent being occasionally checked by branches of trees or shrubs, to the borders of the meadowland far below. When picked up there, he was found fearfully bruised and lacerated, but no bones were broken. For two weeks he lay unconscious, but at the end of six weeks he was on his feet again, the only permanent injury being a partial loss of hearing in one ear. The total deafness that overtook him in early manhood was no doubt connected in origin with this fearful fall. The council of the village had the wonderful story entered on its records and the cliff from which he fell was marked by a flag for a long time thereafter.

At the age of thirteen he was sent to Neuchatel to begin his academic course. It was due altogether to his mother that he took this course, the lad himself preferring to remain at home and learn his father's trade. On entering school, child though he was, he was obliged to learn from the first the art of self-help. He earned enough to buy the books which he used by teaching pupils younger or less advanced than himself.

Among his fellow students were two others to whom he was especially drawn, Arnold Guyot and August Agassiz, both of them of the same French Puritan stock to which he himself belonged. Louis Agassiz, an older brother of August, was now carrying forward his studies in the German universities, but was soon to return to Neuchatel as a professor. With Guyot in particular, young Lesquereux established the closest relations of friendship and sympathy, which were terminated only by the death of the former at an honored old age. While students, they were inseparable in term time and vacation alike. The academic curriculum at Neuchatel was of the old type, as a matter of course. There was but one type known at this time it was mainly made up of the classical languages and literatures, of mathematics and philosophy. The course was severe and the

training rigid and thorough. Young Lesquereux became a good classical scholar, even according to the high standard that then prevailed. He read Latin and Greek at sight and wrote Latin with facility to the day of his death. To accomplish these things cost strenuous labor,—there is but one road that leads to such results. His day's work as a student often covered fourteen, or even sixteen hours. Throughout his course he was obliged to eke out a scant allowance by giving private tuition to his juniors in the college, but this work paid him not alone in the money he earned, but in a firmer hold on the subjects which he taught.

It fell out in his after life that he made comparatively little direct use of what he learned at such an outlay of time and force in his college days; but he never regretted the severe discipline to which he had been subjected. He ascribed to it, in fact, a large measure of the success that he afterwards attained in widely different fields.

At the end of a seven year residence at Neuchatel, he had completed his academic course, and aside from a genuine and even enthusiastic love of nature, he had not come in sight of natural science. We hear nothing more of the study of theology and it is probable that he gradually drifted away from the end to which his earlier studies were directed. The love of learning had been awakened in the youth and he could not rest content at the point where he was left by his collegiate course. He resolved to continue his studies in a German university, but in compassing this result he must depend upon his own resources.

The easiest way for the youth just out of college to earn money was by teaching others what he had himself learned, and the easiest thing for him to teach was his native tongue and for this, happily, there was a good market at that time. French was the language of diplomacy and culture throughout Europe and a knowledge of it was indispensable to all who would advance in politics or shine in social life.

Young Lesquereux found it easy to secure an engagement in Germany as instructor in French. He became private tutor in a noble family in the city of Eisenach, Saxe Weimar. The duties of instruction that he assumed required but a part of his time and he was at liberty to use the balance in private tuition.

The best families of the city furnished him his pupils. Among the households into which he was thus called was that of a distinguished soldier of noble birth, General Von Wolffskel, an attache of the court of the Duke of Saxe Weimar. The general's daughter, beautiful and highly educated according to the standard of the time, became his pupil. She made great proficiency in French, learning to speak it with as much facility as her native tongue; but both teacher and pupil managed to acquire another language during this tuition, new to them, but old as the human heart. When his year was finished and he was about to return to Switzerland, the young tutor summoned courage to ask the parents for the daughter's hand. The mother was thunderstruck by his audacity, but the old general took a kindlier view. Before answering the question, he determined to become personally acquainted with the suitor and finding the date on which he expected to set out for Switzerland, he made an errand to the southward himself, taking the young tutor along with him in his carriage. As they drove for several days through the beautiful Thuringian forest, the wise and wary general sounded as best he could the intellectual resources, the tastes and character of his prospective son, revealing himself, as well, by his questions to the latter. The test was well met on both sides, and when general and tutor bade each other farewell, the foundations for a genuine mutual respect that lasted with each as long as life, were well laid, and moreover there was a new bond between them. Mr. Lesquereux was to return to claim his bride when he could show his ability to support her. Much of the remainder of the journey to Switzerland he made on foot, but his heart was light and his hopes were high.

After his return, he soon obtained a position as teacher in the High School at Locle, at a salary of three hundred dollars a year. Presently he made a step in advance by gaining the principalship of the High School of the College of La Chaux de Fonds which brought him three hundred and sixty dollars a year. The latter place he won by sustaining a most rigorous competitive examination, continuing through an entire week. There were twenty-one competitors on the first day; there were but two left for the last day. In preparing for this examination

all the time he had been able to command during the previous three months had been industriously used.

Obtaining from the trustees permission to increase his salary by giving private lessons out of school hours, and securing enough of such work to make his prospective income five hundred dollars per year, he felt warranted in returning to Eisenach for his bride.

Mr. Lesquereux touched high life at several points through this new connection. Gœthe was for forty years a member of the same court to which his wife's father belonged, and during her childhood she enjoyed the special notice and even the friendship of the great author. The family still prize the correspondence which Gœthe maintained with his childish friend.

Prince William, afterward to become the great German Kaiser, came also to this court to find his wife, viz., Augusta, the daughter of the Grand Duke of Saxe-Weimar—Eisenach. At the wedding Mrs. Lesquereux was a bridesmaid, and when a little later she herself wore the bridal veil, a young lieutenant of the army, Von Moltke by name, was the bridegroom's "best man"; the lieutenant became the greatest general of modern times.

In the second year of Mr. Lesquereux's married life the trouble in his hearing, the foundation of which was laid in the perilous fall of his childhood, rapidly increased. He suffered great pain during the progress of the disease. At times he became totally deaf, but would then secure partial though temporary relief. Finally, after a brave and persistent effort to carry on his teaching, he was obliged to resign his position. Still hoping for restoration, he consulted an eminent physician in Paris, at whose hands he suffered treatment that would now expose anyone who should employ it to the charge of malpractice. By it Mr. Lesquereux was thrown into brain fever and when he recovered from this he was obliged to recognize the dreadful fact that he was hopelessly and incurably deaf.

These facts required a new arrangement of his life. Nothing seemed open to him at first but manual labor, and to this he turned with a cheerful courage that was most honorable to him. The change meant a great deal to himself and more to his wife.,

for it involved one of the most costly sacrifices that we can be compelled to make, that, namely, of social position. The bride-maid of a queen finds herself the wife of a mechanic. The trade selected was that of engraving watch cases. He bought a turning lathe and applied himself diligently to the work; but with all his efforts, laboring from six in the morning to ten at night, he could earn but one dollar a day. On this pittance he was obliged to support his high-born wife; she showed herself, however, as brave as her husband. Just as he was becoming a master of this calling to such a degree that he could earn a better living by it, he was obliged to abandon it on account of its effect upon his health.

At this juncture his father came to his relief, and offered him a partnership in the small factory, if the son would first spend a year in learning the trade. Nothing was left for the brilliant young scholar and teacher but an apprenticeship in which the veriest village hinds stood on equal footing with himself. He passed this ordeal successfully, gained the partnership in due time and became relatively independent once more. But at this period, his life judged by all ordinary standards would have seemed to be a disastrous failure. His deafness had driven him from his profession and from society, and the only calling that appeared to open before him was a very humble one; but his mind was active and he gave himself constant occupation in the world of literature during all his spare hours. By some chance he was drawn to the study of botany and especially to the division of the mosses. This is his first direct connection with science. He had but little time for such pursuits,—Saturday afternoon and Sunday of daylight for collection, but entire nights he made use of for study. He managed to buy a microscope and to begin the systematic examination of this family of plants. His natural gifts asserted themselves here and it was not long before the young mechanic was quoted as an authority on mosses. He had found at last his calling, though he did not know it yet.

About this time the gradual reduction of the forests of the Canton led the Government to new interest in the peat bogs, which furnished the larger part of the fuel of the poorer classes.

In the carrying out of this interest the Government offered a prize, a gold medal valued at twenty ducats, for the best essay on the formation and preservation of peat. Mr. Lesquereux determined to compete for this prize. Making arrangements with his father, by doing extra work on certain days, he obtained a larger amount of daylight for his outdoor studies, and was able for a few months to employ Saturdays, Sundays and Mondays as well in this way. He probed the peat bogs with instruments of his own devising; he determined their rates of growth and decay and the conditions of moisture and temperature that prevailed in them. So unintelligible did his new interest appear to the simple minded people among whom he dwelt, that he was even thought to have gone daft and was beginning to be called the "fool of the peat bogs." The manuscripts of the competing essays were sent in. Mr. Lesquereux's essay was found by far the most exhaustive and valuable and the prize was easily awarded to it. This was a great triumph and his loyal wife was as happy as he in the result. It had mainly been written in the dingy little factory where his days were spent; and most of it, so far as the composition is concerned, while his hands were busy with the mechanical work that claimed them. To this report, all of our sound and valuable knowledge as to this important subject must be followed back.

One of the happiest results of his new studies was the formation of a close friendship with the illustrious Agassiz, who was now holding the chair of natural history in the Academy of Neuchatel. A committee was appointed by the Government to test the observations and conclusions that were embodied in the prize essay above named, and of this committee Professor Agassiz was a member. He did not at first accept all the author's conclusions, but as the commission traveled from point to point in the examination, he began to see that Lesquereux was master of the facts and of the philosophy, as well, and he became an enthusiastic supporter of the author's views.

It was thus that Leo Lesquereux broke through the trammels that seemed to bind him to tasks unworthy of his powers. He could henceforth turn his time to better work than drilling holes in watch springs. He had become a man of science and

fortune was growing kind. The Government of the Canton forthwith employed him to write a text-book on peat bogs for the use of the schools, and paid him \$500 for the work. Presently a new public office was created, that of director of peat bogs, and Mr. Lesquereux was appointed to fill it. He wrote also two other treatises upon the same general subject. As his fame extended, new and more responsible work was brought to his hands. The King of Prussia commissioned him, moved in part thereto by the ties of friendship which Mrs. Lesquereux could plead with Queen Augusta, to explore and report upon the peat bogs of Germany, Sweden, Denmark, Holland and France. This errand gave him the unusual advantage of extensive travel and wide observation under letters royal. To these tours also he owed the extensive personal acquaintance with the scientists of Europe that served him so well through the remainder of his life.

The political changes that were sweeping through Europe in 1847 and '48, affected even the governments of the little Swiss cantons. By these changes, Mr. Lesquereux's scientific work under the auspices of the State was arrested. Professor Agassiz had already been attracted to the United States by the splendid opportunities for advancing science that were offered to him here, and Guyot and Lesquereux followed in the next year, viz., 1847. To these three compatriots and lifelong friends American science owes a great debt. All have passed to honored graves, but in countless ways their works still follow them.

Dr. Lesquereux was forty years of age when he reached this country. Though in the prime of life as years are counted, he was totally deaf. In his native tongue he could maintain a conversation so well by following the movement of the speaker's lips, that a stranger might not at once discover his infirmity. But our stubborn English tongue foiled him in this respect, and when it was employed he was generally obliged to use pencil and paper in his conversation. Moreover, he had acquired our language without ever having heard it spoken and though he wrote English with force and precision, thanks to his early linguistic training, one needed to become accustomed to his pronunciation to follow him readily as he spoke it.

His first scientific work in this country was done for Professor Agassiz. It consisted of a classification of the plants gathered by the latter in his Lake Superior expedition. While engaged in this work, and frequently for months at a time he was a member of the Agassiz household. His report was published in 1848.

At the close of the same year, he was called to Columbus where he made his home for the remainder of his life. The circumstances under which he came to Columbus deserve to be mentioned, as they bring to light a history that has had few counterparts in the country hitherto. By the publication in 1845 of the *Musci Alleghenienses*, Mr. William S. Sullivant of Columbus had put himself at the head of American bryologists, and was so recognized at home and abroad. The scientific collections of the Government in this department were coming into his hands for study and the field was in every way widening before him, bringing him more than he could do unaided. He was a gentleman of large fortune and was therefore not obliged to ask even a living from science. All of his work was done at his own charges, and most of it was published in a like manner. It was distributed among his fellow laborers in science with princely munificence. Mr. Sullivant called to his aid Mr. Lesquereux and for many years thereafter, even to the date of Mr. Sullivant's death, the foremost bryologist of America and one of the most accomplished bryologists of Europe worked side by side, in the completest accord and harmony, with mutual respect for each other's acquirements and results. They effected thereby an immense advance in this department of science and made all future students of American bryology their debtors. Mr. Lesquereux was employed by Mr. Sullivant for one or two years and was afterwards aided in various ways in carrying forward his work by the generosity of his friend. They published together the two editions of *Musci Exsiccati Americani*, the first edition in 1856 and the second in 1865. Mr. Lesquereux also had much to do with the crowning work of Mr. Sullivant's life, the splendid *Icones Muscorum*. The Latin text is in part his work, and the publication of the second volume was carried forward under his direction after Mr. Sullivant's death.

Mr. Lesquereux's career has been followed thus far without

a single reference to the department of science in which by far his most important work was to be done, the department, namely, of paleobotany. His interest in this subject began before he left Europe. While still in Switzerland, he had acquainted himself with the foundations of fossil botany laid by Brongniart and others; and as early as 1845 he began to publish observations of his own in this field. But his real work in paleobotany began about 1850. A passing reference of Brongniart had suggested the view that coal-seams originated under conditions similar to those in which peat bogs are now formed. In the mind of one who knew more of peat bogs than anyone had ever known before, the suggestion took root and expanded into a theory which covers the origin of by far the largest part of our valuable accumulations of coal. The theory, variously supported and reinforced by American facts though not without grave difficulties, holds decidedly the first place to-day among the theories of coal formation in the geological world.

But it was not in the theoretical subject of coal formation, many of the problems pertaining to which are difficult and perhaps for the present insoluble, that Dr. Lesquereux's great work was to be done. It is the plants, high and low, that have covered the earth in the past, and especially those assemblages of them which we denote coal floras, that were to be illustrated by his patient labor and illuminated by his wide and increasing knowledge. Attached to the descriptions of a great number of these fossil plants, including many of the most abundant and important of the most valued floras of all time, the cabalistic letters "Lsqx." will remain as long as paleontological science is cultivated. Dr. Lesquereux's labors covered the great Appalachian coal field, as it occurs in a half dozen States, and from the bottom of the series to its summit. Equally fruitful were his studies of the floras of the later coals.

The most valuable single contribution that he has made to paleobotany is unquestionably "The Coal Flora of Pennsylvania," published by the Second Geological Survey of that State. There is no other American work on the subject that is even to be named in comparison with it. It was written when the venerable author had long passed his three score years and

ten, and while embodying all his knowledge and experience, it shows no signs of flagging strength or failing powers. A list of his most important contributions to science will be given at the close of this paper. It stands for a prodigious amount of labor of the highest grade, accomplished under the fearful disadvantage of total deafness.

For the last forty years, the name of Leo Lesquereux has been known and honored throughout the scientific world. He was made a member of a score of the leading scientific societies of Europe, and was the first elected member of the National Academy of Sciences of the United States. In 1875, he received the degree of Doctor of Laws from Marietta College. He maintained intimate relations by a constant and most kindly correspondence with all the leading paleontologists of Europe. Oswald Heer, in particular, was one of his most valued friends, and when his death occurred a few years since, Dr. Lesquereux felt as if a brother had been stricken down. Professor Guyot's departure impressed him in the same way. The death of his beloved wife occurred not far from these dates, and the world began to look empty to him. The sentiment *jampridem inutilis annos demoror*, began to find frequent expression in his conversation. "I belong to a past generation," he would say, "my friends and contemporaries are all gone; for what do I remain?" But, although almost impatient for the summons to cross the bar, he never for a moment lost his serenity and never, until the busy brain at last gave way, abandoned his tasks. He died in his modest home in Columbus, October 25, 1889, aged nearly 83 years.

He was modest in his estimate of his own work. All the knowledge that has been attained in the departments of which he knew most seemed, in his later years, very small to him. "*I know a little*," he sometimes said, "other students of science know each a little, but the whole of what is known is but fragmentary and insignificant—merely a few pebbles picked up along the ocean shore."

Dr. Lesquereux was a devout Christian believer; he lived and died in the communion of the Lutheran Church. He extended his creed to take in all scientific discoveries, but he did not count any of its essentials disturbed thereby. He seems

never to have been reached by the currents of modern thought which have overflowed the old foundations for so many.

It is a pleasure to add that his noble library, largely composed of presentation copies of the most valuable paleontological works of the last half century, will be maintained intact. It has been purchased with this intent through the enlightened public spirit of P. W. Huntington, Esq., of Columbus, and will be placed where it can be fully available for the purposes of science.

Dr. Lesquereux was personally known to but few residents of the city in which the last forty years of his life were spent, but he was respected and honored by a much wider number, and there were many that felt, when he was borne out of his humble cottage to his last resting place, that an illustrious citizen had passed from among us.

The facts for this sketch have been derived from conversations with Dr. Lesquereux, from his son, Leo Lesquereux, Jr., from an excellent sketch in the *Mut's Chronicle*, January, 15, 1887, and from a valuable article prepared by Miss Lida R. McCabe for the *Popular Science Monthly*, April, 1887.

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*Titles not all given in full, and not verified in all cases, but will serve as a clue.

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Some Fossil Plants of John Evans, 1859.
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[NOTE: Several of Dr. Lesquereux's works await publication. Ed.]

FRANCIS CHARLES SESSIONS.*

BY WASHINGTON GLADDEN, D. D., LL. D.

Blessed are they that dwell in thy house;
They will be still praising thee.
Blessed is the man whose strength is in thee;
In whose heart are the highways to Zion.
Passing through the Valley of Weeping they make
it a place of springs;
Yea the early rain covereth it with blessings;
They go from strength to strength;
Every one of them appeareth before God in Zion.

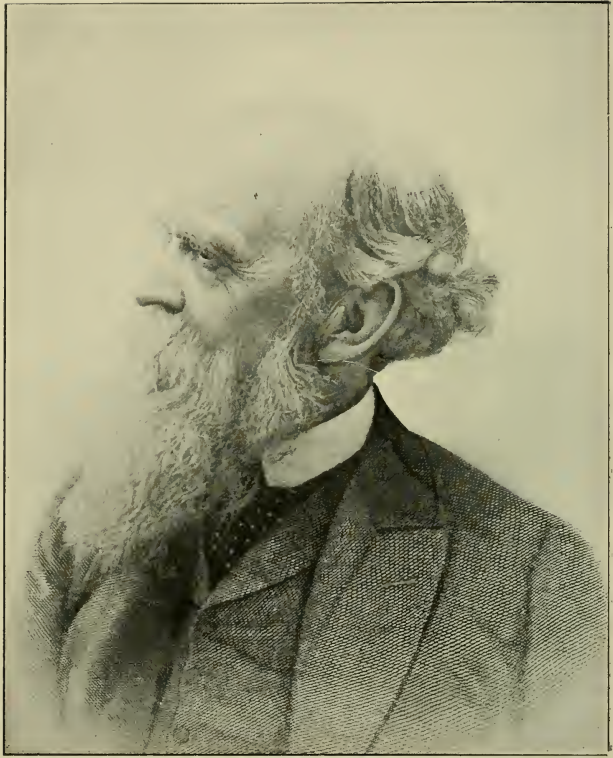
— Ps. lxxxiv, 4-7.

This poet has found a happy man. Such men are not rare; even in these unquiet times it is not needful to search for them by day with lanterns. Yet it may well be questioned whether in the days when cares were fewer and life was simpler, there were not more who took time to be happy—more who found out, before it was too late, that it was worth while to be happy.

This poet's happy man was one who spent his life in the Lord's house. Possibly the poet was some dweller on the slopes of distant Hermon, or among the vales of rugged Gilead, who only two or three times a year was permitted to stand in the portals of the Lord's house. From the time of the establishment of the one central sanctuary at Jerusalem, the hearts of the people turned with increasing attachment to its stately courts

* Mr. Sessions was elected First Vice President of Ohio Archæological and Historical Society at its annual meeting February 18, 1886. At its annual meeting February 24, 1887, he was chosen President, succeeding the Hon. Allen G. Thurman, the society's distinguished first president. Mr. Sessions held the office of president continuously till his death March 25, 1892. He discharged the duties of his position with great zeal and ability. He was ever ready, by his counsel, his means and his influence, to advance the interests of the society and to his generous and enthusiastic efforts are largely due the growth and prosperity of the organization. The memorial address herewith published was delivered by Dr. Gladden in the First Congregational Church of which Mr. Sessions was a most active member.

E. O. R.



F. C. Serravallo

and its solemn services; the temple held within itself the consummation of their hopes, and the expression of their highest thoughts; it was the memorial of their life in the desert, and of their deliverance from Egypt; it was the symbol of all that made their national life memorable and sublime; it was the place where was manifested to them with peculiar power the presence and the glory of the God of their fathers. All the religious enthusiasm of this deeply religious people was focussed upon these hills of Zion. This was the only place where sacrifices could be offered; the only place where the solemn ritual of their worship could be performed. It was a thrilling moment when the boy, coming up to one of the feasts, first set his foot within these sacred enclosures; and the time never came in the life of the loyal Hebrew when his heart did not turn with longing to the house of the Lord. Going to church is a very commonplace matter with us who have from one to a dozen church spires almost always in sight. It was a very different thing to the Hebrew who dwelt in some remote town of Palestine, and to whom the one Holy City with its one temple was only now and then the goal of a long pilgrimage. Such an one might naturally think the man to be happy who could spend his life within sight of its pillared porches and its golden pinnacle. And this poet seems also to have learned that there was something in the influences of that house which gave to life added cheerfulness and benignity. The men who found their inspiration in its worship were men who made the world in which they lived a happier world. "Passing through the valley of weeping," he cries, "they make it a place of springs." The meaning is somewhat obscure, but he seems to say that the good man, whose delight is in the service of the house of God, is one who helps turn the vale of tears into a place of fountains—into a genial region where joy springs forth unstinted and perennial. That, surely, is the scriptural conception of the man whose life is fed from the eternal hills. The Old Testament saints and prophets never lose their hold upon this thought. The notion of some modern religionists that the godly man is one who makes himself and his neighbors as doleful as he can while he lives—who goes about singing,

"I'm but a stranger here,
Heaven is my home;
Earth is a desert drear,
Heaven is my home"—

and spends all his energies in getting people ready for life in some other world—never entered the heads of the men who wrote the Psalms and Prophecies. To them the chief function of the godly man was to make a better world of this. They tested his piety by proofs of his power to brighten the acres that surrounded his dwelling, and to send forth the streams of his bounty "to fatten lower lands;" it was a sign that he was a saint, if the wilderness and the solitary place were glad for him and the desert, where the feet touched its arid waste, rejoiced and blossomed as the rose.

If all the people who think that the Old Testament is obsolete would get some of these ruling ideas of the Old Testament revelation into their heads, this would soon be a better world for all of us.

It has been my duty to-night to speak of a happy life which has just ended. It is not an easy task to speak fittingly and adequately of any man's life. There are very few people whom we know well enough to be able to judge them justly. We are not omniscient, and our reading of other men's motives is often at fault. Most of us are swift enough to form and utter our estimates of other men's characters; very often in doing so, we only reveal our own. "Judge not that ye be not judged," is a maxim of tremendous import. How often a man, in pronouncing judgment upon his neighbor, lays bare his own narrowness, meanness, jealousy, pusillanimity. What he has said about his neighbor does his neighbor no harm at all, for nobody heeds it; but it does him far more damage than any slander that other lips could utter about him. Wise men are therefore slow to judge their fellows. Yet, since the life is always the light of men, the study of human lives is always the most inspiring of studies, and our study must involve some estimate of the qualities revealed in the lives that we are studying. That I must attempt to-night. I would fain speak truthfully and temperately. I desire to avoid over-praise. I would rather that my words should

seem to you an under-statement than an over-statement. It is true that I cannot pretend to be a cool, impartial critic. The man of whom I speak was my friend—one of the best friends I ever had. I cannot promise that the pulsations of my heart will not be audible in these words. Nevertheless, because I loved him, I will try to avoid doing him the injustice of exaggerating his virtues. He was not a perfect man. I know no such man. He had his faults and weaknesses. To these we who loved and honored him were not blind. But I am not here to exhibit the defects in his character. I shall try to keep within the truth in what I say, but I am not going to try to tell the whole truth. Some things can be taken for granted by all judicious listeners. To tell the whole truth you know about any man whom you know well, living or dead, would be an outrage. I think my friend could bear the exposure better than most men; but no interest, whether of art or history, makes any such demand.

Mr. Sessions was a New Englander of purest stock. There was not, so far as I can trace his lineage, a drop of blood in his veins that came across the ocean later than 1700. There are indications that his race was a sturdy race. A great great uncle of Mr. Sessions was Governor of Rhode Island; in all parts of the country we find them men of substance and character. Of one of them, John by name, who was a deacon in the Congregational Church in Westminster, Vermont, and a man of some eminence in the neighborhood, the following incident is related: "In a time when provision was very scarce in that section of the country, when they had little to eat but potatoes and salt, the good deacon saw a deer come out of the woods near his house, late one Sunday afternoon; he seized his gun and shot the deer. For this the church brought him up for discipline. He pleaded that it was a work of necessity and of mercy, and that he was justified in killing this game, so providentially brought within reach of his trusty gun, even if it was before sunset on Sunday. The church, however, instructed the pastor to read the sentence of excommunication on the following Sabbath. The deacon was asked to rise in his pew while the sentence was read, severing his relation to the church for Sabbath breaking. He arose, and as the pastor was about to read, reach-

ing behind him he took his gun which he had carried to the meeting-house, leveled it at the minister's head, and in the most determined tone said, 'I forbid that paper being read from the pulpit.' The pastor quietly remarked: 'All things are lawful for me, but all things are not expedient, and I do not think it expedient to read this paper.' The deacon not only lived but died a member and deacon of the church."*

The first American ancestor of this family, Samuel Sessions, came with Governor Winthrop and Deputy Governor Dudley to Massachusetts Bay in 1630, ten years after the landing of the Pilgrims. It would appear that a son of this Samuel, by name Alexander, was born in the ancient town of Andover, Mass., about 1645; his name frequently appeared upon the records of Andover church and Andover town. In April 24, 1672, an entry is made of the marriage of Alexander Sessions and Elizabeth Spofford. To this pair were born seven sons, the fifth of whom was Nathaniel. His birth year was 1681, and in 1704 he removed to Pomfret, Connecticut, where he lived to a great age, a thrifty and highly respectable Yankee farmer. The second or third child of Nathaniel was Amasa, born in 1720; and the fifth child of Amasa was Robert, born in 1752. In 1773, therefore, Robert became, as the New Englanders say, his own man, and found his way to Boston where he was employed as a common laborer by a lumber merchant whose name was Davis. This was the summer of the famous "High Tea" in Boston Harbor, a festivity in which young Robert Sessions participated. A town meeting had been deliberating all day upon the question of evading the tea tax—and just at evening the citizens came forth from their fruitless debate to behold a procession of what seemed to be Mohawk Indians marching toward the wharf where the tea-laden vessel was moored. The rest of the story may well be told in the graphic words of Mr. Robert Sessions, contributed years after to a little volume entitled "Tea Leaves."

"On that eventful evening when Mr. Davis came in from the town meeting I asked him what was to be done with the tea. 'They are now throwing it overboard,' he replied. Receiving

* "Sessions Family in America," p. 241.

permission, I went immediately to the spot. Everything was as light as day by the means of lamps and torches; a pin might have been seen lying on the wharf.

"I went on board where they were at work and took hold with my own hands. I was not one of those appointed to destroy the tea, and who disguised themselves as Indians, but was a volunteer, the disguised men being largely men of family and position in Boston, while I was a young man whose home and relations were in Connecticut. The appointed and disguised party proving too small for the quick work necessary, other young men, similarly circumstanced with myself, joined them in their labors.

"The chests were drawn up by a tackle, one man bringing them forward, another putting a rope around them, and others hoisting them to the deck and carrying them to the vessel's side. The chests were then opened, the tea emptied over the side, and the chests thrown overboard. Perfect regularity prevailed during the whole transaction. Although there were many people on the wharf, entire silence prevailed—no clamor, no talking. Nothing was meddled with but the teas on board. After having emptied the whole the deck was swept clean, and everything put in its proper place. An officer on board was requested to come up from the cabin and see that no damage was done, except to the tea.

"At about the close of the scene a man was discovered making his way through the crowd with his pockets filled with tea. He was immediately laid hold of and his coat skirts torn off with their pockets and thrown into the dock with the rest of the tea.

"I was obliged to leave the town at once as it was of course known that I was concerned in the affair."

We have in these unstudied sentences a very neat bit of historical description. How perfectly the moral perspective is drawn. These counterfeit Mohawks—how far were they removed from savagery! What a touch is that which shows them sweeping up the deck, putting things to right, and calling the officer to bear witness that no injury had been done to vessel or cargo! And what swift retribution for the man making off

with his pockets full of tea! No Achans in the camp of these true Israelites! We must thank Mr. Robert Sessions for a realistic sketch which reveals to us most strikingly the spirit of the American revolution.

It is a modest testimony. We can easily understand why the young lumberman's intimacy with the best society of Boston was so very brief. Boston was not any longer a healthy place for him. He seems to have made his way back to Connecticut, and to have found a musket to shoulder soon after the fight at Lexington; he came out of the war with the rank of Lieutenant, found his home after his marriage in 1788, in South Wilbraham, Mass., and there as Justice of the Peace, Treasurer and Clerk of the town, Representative for five years in the Legislature at Boston (where it had finally become safe for him to reside), and as the frequently chosen moderator of the town meeting, he enjoyed and justified the respect and confidence of his townsmen to the ripe old age of eighty-four.

Robert was the grandfather of our friend and neighbor. The grandfather lived until the grandson was sixteen years of age; the story of the war must have been often rehearsed before the open fire on winter evenings, and the full tide of patriotic sentiment thus flowed steadily into the heart of the boy in his most impressible years.

The seventh son of Robert was Francis, born in 1792. In 1818, he was married to Sophronia Metcalf, a descendant of one of the stanchest Connecticut families, and Francis Charles Sessions, born in South Wilbraham, February 27, 1820, was their only child. The father died when the boy was only two years old, when a home was found for him in the family of his uncle Robert, a farmer near South Wilbraham.

The district school gave him the rudiments of an education; there was a plan of fitting him for the ministry, but it was believed that his health was hardly firm enough to endure a full college course, so he was sent to Monson Academy, one of those excellent secondary schools which once abounded in New England, where youth obtained an education not inferior to that given in many of our so-called universities of the present day. It was a school in which Richard S. Storrs became a teacher immediately

after his graduation from college. I think that Mr. Sessions was a pupil of Dr. Storrs; at any rate their acquaintance began at the time when the latter was connected with the institution. Mr. Sessions graduated from the Academy at the age of eighteen; for the next two years he lived in the neighborhood of his old home; for a short time he was in business in Springfield, the county-seat; then the star of empire cast its spell upon him, and in 1840, in the very heat of the Tippecanoe campaign, by stage-coach and canal-boat, he made the tedious journey to the Buckeye State and landed here in Columbus, in the month of October.

"At this date Columbus was a straggling, bustling town of about six thousand inhabitants. The town centered about a large central square, in the southwest corner of which stood the capitol buildings and the State offices. North of what is now Spring street, east of Fourth street, south of the county buildings, could hardly be found a business house; while dwellings were far apart and in many places not to be seen. On the west was the Scioto river, on whose banks in the southwestern part of town were many warehouses and docks, for at that time her shipping trade was a considerable factor in her growth. Up the river, on its opposite bank, about a mile to the northwest, lay the village of Franklinton, now a part of the city. Its age dates back to 1797, and in its day it was the county town, and the chief place of importance in the Scioto valley north of Circleville."*

The directory for 1843 credits Columbus with thirteen congregations of worshippers, two of which were of blacks; with six small subscription schools, fifteen free schools, enrolling seven hundred scholars, one respectable academy for males and females, and a German Theological Seminary—probably the seed from which our Capital University has grown. It reckons up twenty-four dry goods stores, eight groceries, forty provision stores, two hardware stores, two drug stores, two book stores, two shoe stores, two iron stores, "seventeen licensed taverns where a little *wet* can be had," twenty lawyers and twenty-one doctors, including three or four dentists.

* From a sketch by Mr. A. A. Graham in the *Magazine of Western History*, Vol. 4, p. 105.

Such were the dimensions and the pretensions of the capital of Ohio, when this Yankee boy of twenty first set his feet upon its soil. Doubtless it was a crude, unshapely western town, with very little style about it, and giving small promise of the stately city of to-day. There was no railroad here—the Mad River Railroad, the first in the state, from Dayton to Sandusky, work upon which was actively begun in 1835, must have been completed about this time. The changes which have taken place in this municipality in the course of the active life of this one citizen, while not so startling as those which have been witnessed in many American cities, have been quite notable. In the course of the fifty-two years, Mr. Sessions saw Columbus double its population four times; it was sixteen times as large when he saw it last as when he saw it first; all the great public buildings which are now its decoration, have been erected since he came; the sprawling town which hugged the bank of the Scioto has stretched its trim pavements east and west and north and south, covering thousands of acres of this fertile valley with the symbols of thrift and enterprise; the two turnpikes which were then the arteries of traffic, by which it communicated with the west and the north—the National Road to Wheeling and the road to Sandusky—have given place to thirteen railways; and the volume of its business has increased, I suppose, in a far more rapid rate than the growth of its population.

An uncle of Mr. Sessions, Mr. Rodney Comstock, was residing in Worthington; this was the attraction by which his steps were turned to this valley; he came first upon a visit, but was persuaded by his relatives to remain and cast in his lot with the fortunes of this young city. Doubtless he had faith in its future, and saw that here was a town of which something could be made. I shall not be disputed if I say that he has had an important part in the development of our municipal life. I do not claim that Columbus is the handsomest or the most virtuous city in the country; "let another praise thee, and not thine own mouth;" but it is safe to say that for whatever of comeliness or of character it possesses, not a little is due to the taste and enterprise and public spirit of our friend. This much I will venture to claim for him, that very few of our citizens have been more

amply endowed with municipal pride and patriotism. There was not a man among us to whom the honor and the welfare of Columbus were more dear. You never saw him walking along the streets without feeling that he was taking in all the beauty of it with his quick comprehensive glance; every improvement, every adornment, every sign of the prosperity of his neighbors gave him unmixed satisfaction. Mr. Sessions had traveled widely—more widely than most of us; he had seen the best part of the world—not the largest part—and he always came home from his wanderings with new love for this city and a deeper interest in its welfare. He was ready, I believe, to do what he could to make it a safer, a better and a brighter place to live in. This has always been his spirit during the fifty-two years of his residence. Some good portion of his thought and life has been given for more than half a century to the upbuilding of this city in all things pure and fair.

On his arrival he soon found employment in one of the leading dry goods stores, and within three years had a store of his own—under the firm name of Ellis, Sessions & Co., upon the ground where Mr. Westwater's crockery store now stands. Four years afterward, in August, 1847, the young dry goods merchant made for himself a home in the city, bringing from Worthington, Mary, daughter of Orange Johnson, to share with him its joys. Very desolate is that home to-day, but the sorrow that has turned its joy into mourning, is one with which in this public place we have no right to intermeddle.

Nine years after his marriage, in 1856, the year of the Fremont campaign, Mr. Sessions disposed of his interest in the dry goods store and began trading in wool. This was his occupation until 1869, when the Commercial National bank was organized, and he was placed in the responsible position which he occupied until his death.

The career of Mr. Sessions as a business man has been honorable and successful. He was not a daring operator, by temperament he was cautious, and his gains have been moderate; but I hear no skepticism as to the legitimacy of his methods or the cleanness of his accumulations. I believe that he has striven to be just and honest in all his dealings. More than this

if I may credit the many testimonies that have been uttered in my hearing within the last week by reputable persons, he has made his business tributary to the prosperity of many others, exhibiting a large and generous trust in young men; giving financial aid to many who had not much security to offer except their character; thinking, very often, in his business transactions, not only of the gains that he could make for himself, but of the service that he could render to others. The testimony that has come to me from business men whom he aided in this way, when they were first setting out in business is abundant and gratifying. I believe that Mr. Sessions found pleasure in rendering services of this kind; and the success of those whom he helped to set upon their feet was a constant gratification to him.

I do not find that he ever held a political office. He was a trustee of the Institution for the Blind and of the Institution for the Deaf and Dumb; on both these boards he rendered the state gratuitous and efficient service. Officers connected with these institutions bear cordial testimony to his painstaking labors.

When the war broke out, the grandson of Robert Sessions found a patriotic opportunity. The pulpit of the Congregational church was very bold, about that time, in its utterances. It was not then considered good form, hereabouts, for ministers to speak strongly on public questions; indeed it was not at all prudent to do so; this pulpit has never been a very prudent one, I fear. The man who occupied it then, Edward P. Goodwin, was not a coward, and the trumpet that he put to his lips gave no uncertain sound. Mr. Sessions has often spoken to me with pride of the position which the church took in those days; the closer it kept to the front in every patriotic movement the better he liked it. When the Sanitary Commission was organized, he became the secretary of the Columbus branch, and his service in that arduous position is remembered by those who were living at that day. Dr. J. S. Newberry, who had the charge of the western branch, in his report, at the close of the war, upon the work of the Commission, makes frequent and grateful reference to the work of Mr. Sessions.

Says Dr. Newberry: "Mr. Sessions was one of the earliest

volunteers who took the field to minister to the wants of the sick and suffering in the army. He accompanied us on the *Allen Collier* in our memorable trip to Fort Donelson, and went to Pittsburgh Landing immediately after the battle, where he was connected with the great work accomplished in the care of the sick and wounded during the spring and early summer of 1862. He also went with Dr. Smith to Murfreesboro upon the occasion of the battle of Stone River, visited Virginia during the second campaign in that State, as well as most other important points in our field of operation, always as an earnest, hard-working Good Samaritan."

A Soldiers' Home was established in this city, during the early days of the war, in which during its existence no less than 25,649 different soldiers were entertained—to whom were furnished 34,982 lodgings and 99,863 meals. Of this Dr. Newberry testifies: "The establishment and success of the Columbus home was in a large degree due to the efforts of Mr. F. C. Sessions, a member of the Columbus branch of the Sanitary Commission, a gentleman who was one of the earliest volunteers in the cause of humanity called out by the war, and who, during its entire continuance, by his labors on battlefields, in camps and hospitals, while he sacrificed his personal interests and his health, won for himself the respect and admiration of all who knew him.

"His name frequently appears on the records of the work of the Sanitary Commission at the West, in which, though an unpaid member, he was a most earnest and faithful worker, and it is probable there are few to whom this imperfect tribute will convey any new impression in regard to the value of the services which he rendered to the cause of the country and humanity during the war.

"Throughout the existence of the home at Columbus, Mr. Sessions gave it his constant supervision, and he was, in fact, its outside superintendent and manager."

Such service as this, rendered to the country at great sacrifice, often with great peril, but without bounty and without remuneration of any kind, was not rare in those days; but it is probable that few men in this community gave a larger measure of it than Francis C. Sessions. I never heard him boast of it. I

am sure that he gave it heartily, with no thought that he deserved any praise; with the feeling that he was simply paying in part that debt of love which every patriot owes to his native land.

Mr. Sessions has been a constant helper in our local philanthropies. He was President for a time of our Humane Society; he was a trustee of the Home for the Friendless; he has always been one of those to whom every charitable enterprise made its first and most confident appeal.

As a lover of sweetness and light we owe much to him. Fair culture, sound learning found in him a friend. He was a trustee, at the time of his death, of Marietta College and of Oberlin College; he had been, I believe, a trustee of Wilberforce University, the institution at Xenia, for the education of colored students. In all these institutions he was a wise counselor; he gave much time and thought very freely to their interests.

Although his early associations had afforded him few opportunities of cultivating his tastes for literature and art, these humanities took a strong hold upon his mind, and every year revealed an increasing interest in them. He was a lover of good books, and he read many of them. Few active business men give so much time to this elevating and refining occupation. Reading was something more than pastime with him; he read for the knowledge that gives power; for truth that should guide his judgment and ripen his intellect. And by his reading he gained for himself some good facility in expression, and came to cherish a laudable ambition to make books as well as to read them. Those which he has left us—the records of his travel—show us the keen observer and the interested student of men and things. The critic of *Harper's Monthly* says of the first of these volumes, that "it is such as we might expect from almost any of our clear-headed and sensible men of business, writing for the entertainment of friends at home. Lively, concise, straightforward, touching lightly but intelligently upon a multiplicity of topics, without falling into sentimentality on the one hand or lapsing into prosaic literature on the other; it is an unaffected, agreeable record of travel." Mr. Sessions found great pleasure in these literary diversions; I am sure that they were much less

questionable amusements than those upon which hard working men sometimes employ their leisure.

To art as well as to letters, this business man paid graceful homage. He was a constant patron of the Art Association of this city; to his active interest and substantial aid it has been largely indebted. His home bears testimony to his enthusiastic love of good art. I suppose that no other house in the city contains so large and valuable a collection of pictures. Any artist or critic, knowing the environment of our friend during all his early years, and realizing that he had never had any artistic training, would think it remarkable that a man with money, let loose in the galleries and studios of two continents, should have made so choice a selection. It will be freely acknowledged that Mr. Sessions has helped to cultivate in Columbus a taste for refined pleasures, a love of the beautiful.

I have no time this evening to tell the story of the services of Mr. Sessions to this church, and to the cause of religion in this city. I risk nothing in saying that this was the deepest interest of his life. In nothing else was his heart and mind and soul and strength so thoroughly enlisted as in the work of building here in the world the kingdom of heaven.

Mr. Sessions became a member of the church in his Massachusetts home, before he came to Columbus. Here he first connected himself with the Second Presbyterian Church, then under the ministry of the Rev. Dr. Hitchcock; from that church he came forth, with a colony of forty-two, to form the Third Presbyterian Church, whose local habitation was a small building on Third street, near Gay. That church in a very short time determined to change its organization, and in 1852 became the First Congregational Church, at the same time securing the ground on Broad street where this church now stands, and beginning immediately to gather the necessary funds for the erection of this building; for the ample walls, within which we are now assembled, are the walls of the building erected in 1856 by this young church. It was a bold undertaking; faith and courage and self-denial were in the hearts of the men and women who conceived it. Mr. Sessions would not wish me to give him all the credit of it; others stood with him who are just as worthy of praise;

most of them, alas! are now fallen asleep; but none of them, if they were here, would permit me to withhold from him a liberal share of the honor that belongs to this heroic enterprise. From that hour his devotion to this church has been steady and unflinching. In bright days his face has reflected the gladness of its assemblies; in dark days its burdens have lain heavily upon his heart. At the beginning there were some who stood shoulder to shoulder with him, bearing an equal part in its labors and responsibilities; but as the days passed by, and the strongest of these helpers were called away, the load rested more and more upon him and he never sought to be relieved of it; indeed, he seemed to carry it a little more lightly year by year. He has held nearly all the positions of responsibility in the organization; he has contributed of his substance for its support with an almost unexampled liberality. But he has given something far better than that—he has given himself—time, care, thought, labor, love—freely, constantly, joyfully.

The social life of the church owes everything to him. I am keeping far within the truth when I say that he has done more than anyone else to make it a real brotherhood. I dare say that half of the members of this church would testify that he was the first one who greeted them, when they came into the congregation—that he and his good wife were the first persons from the church who called upon them in their home. He was always seeking the things that make for peace; explaining little misunderstandings, quieting little disturbances, pouring oil on the troubled waters. The almost absolute freedom of this church from dissensions is due very largely, under God, to the tact and good nature of Francis Sessions.

All the other Congregational Churches of this city have the same testimony to bear. Every one of them was a child of his love and his care; they have all shared his bounty; the knowledge of his friendship has been a support and an inspiration to them all. Nor was his sympathy limited to the churches of his own denomination. I doubt whether any churches have been built in this city during the last twenty-five years to whose erection he has not contributed. He was, no doubt, a pretty loyal Congregationalist; but it was not the peculiarities of Congrega-

tionalism that he cared for most; it was rather its freedom from peculiararities, its breadth and liberty and catholicity. It was because he thought it the nearest of the sects to a simple Christianity—a Christianity with no improvements or attachments, ancient or modern—that he rejoiced in it and wanted to do what he could to plant it and scatter it.

Mr. Sessions was reared among the straitest of the New England Calvinists, and the rigidity and severity of that old creed were a burden to his youthful soul. He often told us, in later years, how his heart rebelled against that hard doctrine. And when more light broke out of God's holy Word—when under the courageous testimony of men like Lyman Beecher and Albert Barnes and Edwards Park and Horace Bushnell and Thomas T. Munger and James A. Briggs and Lyman Abbott, one stronghold after another of the ancient fatalism was razed and abandoned and the church was steadily led out and on to a simpler faith and a broader love and a larger hope, Mr. Sessions was always ready for new light and brave leading; he was at the front with the foremost Christian thinkers; he saw in the movements that have terrified many the signs of the increasing presence of the kingdom for whose coming we daily pray. Yet he never relaxed his hold—rather was it daily strengthened—upon the great realities of the gospel of Christ; his loyalty to the Master and his trust in His leadership were steadfast to the end.

I have one word more to say respecting Mr. Sessions, but it is the best word of all. As a business man, a patriot, a philanthropist, a lover of sweetness and light, and a loyal helper of Christ's church, he has earned the respect of all, and the gratitude of many; but we shall think of him most often and most tenderly in the character of friend. Whatever else he failed in, he did not fail in friendship. In some arts he may have lacked skill, but he knew how to be a friend. I doubt whether any other man in Columbus knew as many people as he did, or cared for as many. In this he was eminent above all the men I have known; he entered by a genuine sympathy into more lives; he made himself at home in more hearts; he drew to himself the confidence and gratitude of more people than any other person whom it has been my fortune to know intimately. If that is

eulogy make the most of it, for it is the truth. People of all ranks and grades and colors—most of them, however, the unfortunate and the lowly, knew him for their friend, came to him for counsel, felt free to tell him their joys as well as their sorrows. There were many who sought material assistance from him, and sought it not in vain. Many a self-respecting family, in the pinch of want, has found him compassionate. The number and extent of such secret benefactions, as I am told by those who have been his confidential assistants, have been very large. Of course many have gone to him upon such errands and have failed to obtain what they sought—that might go without saying. To the doors of a man with his reputation of charity the procession of solicitors is perennial. It was physically impossible for him to relieve all who came. It was probably impossible for him to grant relief to half of the worthy persons who appealed to him. And it is very likely that some who were turned away went with very cynical remarks about this man's benevolence. Nevertheless, the books at the great accounting will show these cynics that their judgment was unjust.

It was not, however, by his almsdeeds alone or mainly that he made friends. Scores and hundreds of those who loved him best never sought a favor of this kind at his hands, or dreamed of seeking. He was their friend by a better title than this; he had given them, not money, but his thought, his care, his sympathy, himself—he had shown a friendly interest in their concerns; he knew about them, and he did not forget them, when they met him in the street his greetings and his inquiries showed that they really had a place in his life.

This was no affectation or pretense, it was a genuine human interest. Good will and kindness toward all these people were in his heart, and it was out of the abundance of his heart that his mouth spoke. And the tone of his speech was full of cheer. The voice rang out heartily—no whine, no drawl, no solemn monotone; its clear tenor accents vibrated with warmth and sometimes quivered with suppressed intensity. It carried its message straight home to your heart; you could not miss its meaning. Instances of his hearty cordiality and of its lasting fruits have come to me within the last few days. I will mention

but one of them. Thirty years ago, perhaps, one who was then a mere lad but is now a leading man of business in this city, stood weeping outside the door of the house which until that day had been his home, but which had just been sold at sheriff's sale. Mr. Sessions was there and he made his way to the lad and spoke to him. "I shall never forget it," is his testimony, "I shall never forget how kind he was; he helped the boy to bear his burden."

"Speak kindly! 'tis a little thing
Dropped in the heart's deep well;
The good, the joy that it may bring
Eternity can tell."

I dare say that there are some to whom all this seems very commonplace. I am quite content that they should think so. I told you that I should not make any extravagant claims for my friend; surely this is a homely wreath that I have woven for him out of the grateful memories of very common people; no one will grudge it to him. All is summed up in saying that he entered, as a friend, into the confidence and affection of more men and women and children than any other man whom I have known. And I think, after all, that because I love him, I would rather be able to say just that about him than to utter any other tribute that my thought can frame.

Is there not a close similarity between this life that we have been studying and the life of that man of whom the Hebrew poet was singing? This, too, was a happy man. I have known few who were happier. The good cheer, the exuberance of spirit, the breezy heartiness, were contagious. I have gone to him sometimes rather worn and dispirited; I always came away refreshed and hopeful.

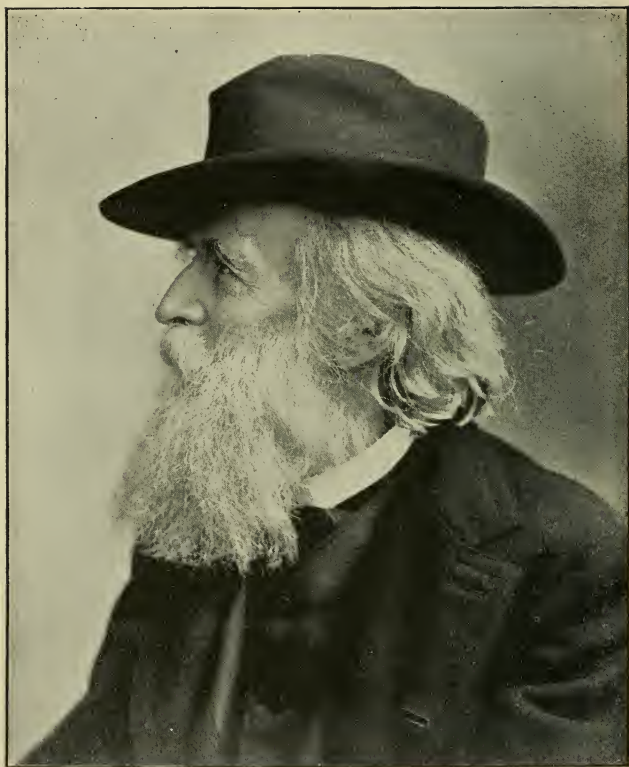
And this happy man of ours, like the psalmist's happy man, was surely one to whom the house of the Lord was the dearest place in the world. In his heart were the highways to Zion.

And not less surely was he one of those who make this a brighter world by their presence in it; the vale of tears becomes, as they tread its lonely paths, a place of sparkling waters—a valley of pure delight.

And thus, with kindly souls that pass
Through Baca's vale of weeping,—
Beside whose way the fountains play,
Joy bringing, verdure keeping,—
From strength to strength this pilgrim went
With grace that ne'er forsook him,
Till suddenly, at break of day,
He was not, for God took him.

We tell our loss, we bear our pain,
Still thankful hearts upraising;
For life so large and fruit so fair
Our God, the giver, praising;
The heart must bleed, the tears must fall,
But smiles through tear-drops glitter;
We drink the cup and grateful find
The sweet within the bitter.

Brethren of this church, of these churches, friends and neighbors all, it is no extravagance to say that not only our churches, but many of our homes, all our good causes, this whole city, indeed, is made distinctly poorer by the departure of our friend. All things pure and honorable and of good report have lost a true lover, a strong helper. From that fund of active friendliness and sympathy which makes social life possible, some serious deduction has been made. Is there not need that we, that all of us, should charge ourselves with the duty of repairing what we can of this loss—so that the ranks of those who care for the good fame of this city shall stand firmly and move forward; so that the standards of honorable business shall not be lowered, and they who give their lives to the services of charity shall not lose heart, and the heralds of sweetness and light shall speak not to heedless ears; so that the heavy laden may be cheered and comforted, and the lonely may not lack a friend, and the way be kept open for the beautiful feet of those who come proclaiming peace on earth and good will to men.



HENRY HOWE.

HENRY HOWE, THE HISTORIAN.

BY JOSEPH P. SMITH.*

"You don't find Ohio much like it was in the good old times of forty years ago, do you, Mr. Howe?" asked an elderly gentleman, at Columbus, in 1886. He seemed well informed and intelligent, but inclined to mournfully disparage the present.

"Those who compare the age on which their lot has fallen with a golden age which exists only in their imagination may talk of degeneracy and decay," cheerily answered the venerable author, quoting, half unconsciously, the words of the greatest of historians, "'but no man who is correctly informed as to the past will be disposed to take a morose or desponding view of the present.' Since 1840 Ohio has doubled her population and quadrupled her wealth, but the average of intelligence among her people is greater, and that of morality and sobriety higher now than it was then. The world gets wiser and better every day; so does Ohio."

Such was the genial spirit in which this kindly, confiding, and innocent man always wrote or spoke; always hopeful and helpful, even humorous and gay, amid difficulties and embarrassments that would have crushed a weaker nature, and made the stoutest heart sick and despondent. With the highest respect and veneration for the great men and grand work of the past, he was proud of the enterprise and progress of the present, and looked confidently forward to a still nobler civilization in the future. "Human life never had such a full cup," he was fond of saying, "as in these our days of expanding knowledge and humanities." Such an observer could not but kindly appreciate "the age (and place) on which his lot had fallen," and do ample justice to opportunity and occasion.

Nor did he labor in vain. Poor he may always have been, distressed he frequently was, but unappreciated he did not remain, and ages hence will not be. His gain in this regard, at

* Librarian Ohio State Library.

least, is not entirely incommensurate with his deserts. Certainly no name is more familiarly or so indelibly associated with Ohio history as Henry Howe's, and none is so certain to be devotedly cherished for earnest, faithful, and unselfish work in preserving the annals of a great State. His name has been a household word in the homes of Ohio people, wherever scattered, for half a century, and the chief events of his career are well known to them; yet it is a privilege and pleasure always to record the incidents of so beautiful and useful a life, and never without interest and advantage to review the career of one who consecrated himself to so grand an object.

He tells us that his purpose was not merely to compile an abstract of written or printed official records, of easy access in any period, but rather to tell as simply as possible the story of the founding and development of Ohio, in the very words and accents, and with all the pride and enthusiasm, of the brave and sturdy pioneers, the noble and heroic men and women, who made the State great and prominent from the day of its birth. He did not aspire "to the high literary merit, the dignified style, the generalization of facts, the philosophical deductions of regular history." On the contrary, he studied "simplicity," "fullness of detail," and the introduction "of minor, but interesting incidents," which the more ambitious histories "could not step aside to notice," while at all times he "avoided the philosophy which only the scholastic can comprehend." He sought to present a work that would contain "something adapted to all ages, classes, and tastes," so that if the unlettered even should stop to examine the volume, they, too, "in many instances, could derive gratification from the pictorial representation of their native villages—of perhaps the very dwellings in which they first drew breath, and around which entwined early and cherished associations." This was something new and far ahead of the times in authorship and book-making. Indeed, Mr. Howe may be said to have been the pioneer author, teacher, and leader of the whole country in the important mission of preparing and inspiring town, county, and State histories. In four great commonwealths—New York, New Jersey, Virginia, and Ohio—he himself collected invaluable materials for the State at

large, and both pointed the way and laid the foundation for hundreds of other useful local histories. His plan had a charm of simplicity, naturalness, and fidelity about it that attracted the people and gained from the start their support and confidence. Well might be said of his first work on Ohio: "*The book reached more minds, and has been more extensively read, than any regular State history ever issued*; thus adding another to the many examples of the productions of industry and tact proving of greater utility than those emanating from profound scholastic acquirements."

He came to Ohio at an auspicious time; a period of great material development, when the State was not too new for him to fail to conceive its magnificent possibilities; nor yet too old for him not to meet many of its first settlers, of every walk and station, men of every degree of intellectual acquirement, or of the severest schooling in the field of actual personal experience. From every source he gathered valuable information and data. He saw about him everywhere, as he rode from county to county throughout the State, evidences of progress and growth that enabled him to wisely estimate the future and produce the most perfect encyclopedia, as well as history of Ohio, that has yet been written. Indeed, as he advanced in his original undertaking, his work expanded so greatly with the times, and grew so rapidly with fresh inspiration and opportunity, that it may justly be said that he published at length the most interesting, authentic and voluminous work of the character ever issued by any author for any State.

We can not measure (though it would be difficult to overestimate) the value of his "Historical Collections" to the people of our own times, nor will we vainly attempt to speak of their priceless value to posterity. It can be approximated only as we appreciate the dignity and majesty of the State itself, for no author has contributed so much toward making the name Ohio forever respected and honored, if not famous and illustrious.

"I take you as my guide through Ohio," wrote George Bancroft to Mr. Howe, and certainly this has been the experience of thousands who could never hope for so profound a knowledge of our country as that eminent historian possessed. To call the

"Collections" a history "tells but a part of the truth. So broad is its scope that it is the State itself printed and bound, ready to go into every family to show the people of every part concerning the whole collectively, and each part in succession, and in all the varied aspects that go to form the great commonwealth of Ohio."

This will be the more apparent as we review the incidents of his life; the unselfish, industrious, noble life of one who was not simply the biographer, but the contemporary, friend and companion of the men who laid such enduring foundations for the prosperity, growth and fame of Ohio. We give his history practically as it appears in his own modest autobiography, in the first volume of the Centennial edition of his "Collections."

Henry Howe was born in New Haven, Connecticut, October 11, 1816. His Pilgrim ancestor on his father's side came from Norfolk, England. He landed in Boston in 1647, and after enjoying the rare distinction of having lived in three different centuries died in 1702, aged 104 years.

Hezekiah Howe, the father of Henry, was a bookseller and publisher, but he was always greatly interested in the militia and during our second war with England, in 1812-15, was called into active service as a Brigadier-General and stationed with his command at New London, Conn., which for months was threatened by the British fleet. For this reason he was always subsequently called General Howe, and by this title is still fondly recalled by some of the older citizens of New Haven.

Hezekiah Howe's book store was in those days one of the most famous in the country. Standing in the shadow of Yale college, it was the daily resort and gathering place of the learned men of that institution, and for those from many other localities who were temporarily drawn to New Haven through its attractions as a literary and educational centre. General Howe was a man of high culture and intellect, and an excellent authority on everything pertaining to books. It is said that in bibliography he had no equal in the country.

The mother of Henry Howe was Sarah, daughter of Ebenezer Townshend, a successful merchant and ship owner of New Haven, sometimes called the "Merchant Prince," on ac-

count of the large number of his ships and the success of his ventures. It is a tradition of New Haven that one of his ships, "The Neptune," yielded to its owner in a single voyage the net profit of \$288,000. Late in life, however, he met with business reverses which swept away the greater part of his fortune.

Henry Howe was the youngest of seven children, and was considered an odd yet lovable child, of a sunny and even temperament, always full of fun, but seldom in mischief. He attended the Lancasterian and grammar schools of New Haven and assisted during vacations as errand boy or clerk in his father's book store. In connection with the store his father conducted a printing office, in which Henry learned to set type and mastered the mysteries of the printing trade, a circumstance of much benefit to him in later life in the business of book-making. He always referred with great pride to the fact that his earliest occupation in life, when but eleven years old, had been to carry the proofs of the first edition (1828) of Webster's famous dictionary from his father's office to the doctor's home, some three blocks distant. The edition was of only 2,500 copies, but it was immediately followed by an edition of 3,000 copies, published in England, and its superiority was manifest, since it contained 12,000 words and 40,000 definitions that were not found in any similar work. The dictionary was of two quarto volumes, well printed and bound, and bore the imprint of Hezekiah Howe on its title page.

"I do not remember to have ever seen him (Dr. Webster) smile," wrote Mr. Howe. "He was a too-much pre-occupied man for frivolity, bearing, as he did, the entire weight of the English tongue upon his shoulders. In my boyhood days I often saw and listened to the conversation of such men as Noah Webster, Benjamin Silliman, James L. Kingsley, Roger M. Sherman, Eli Ives, Nathaniel Taylor, *et al.*, and that strange, unearthly, spiritual being, the poet Percival. Men of such intellectual mark, united to moral worth, as I then used to see, I have since rarely met."

He was preparing to enter Yale College when his father met with financial reverses, due entirely to heavy indorsements for friends. These losses compelled Henry to give up aspirations for

a higher education, so he left school at fifteen and entered his father's printing office. Here his literary instincts quickly asserted themselves, but for several years his productions were anonymous. With a half dozen other "printer's imps," he organized a "Franklin Club" for "literary purposes." They would meet each week and read papers, written by themselves, and engage in debates, but the limits of the club were too narrow for his ambition, and he sought the columns of the local press under various *noms de plume*. There appeared from time to time a number of communications, some in prose, others in verse, that excited the curiosity and amusement of the entire village, for New Haven was then a place of little more than 7,000 inhabitants. These articles touched up local institutions and characters with a rare yet kindly humor and burlesque that set the whole town to guessing their authorship. They were attributed to many different local writers, older and better known, but none suspected the young "printer's imp." One of his literary efforts at this period was "The Trial of Jonathan Syntax for the Murder of the King's English," a burlesque of a prominent local politician whose use of our noble language failed entirely to conform to the rules of Lindley Murray. In a note written some years later he says: "I printed this pamphlet while a printer's imp in my father's office, but fear of the consequences prevented my publishing it."

When about eighteen he left his father's printing office to go out with a surveying party on the line of the New York, New Haven and Hartford Railroad, the first built in Connecticut. Professor Alexander Twining, of Yale College, was the leader of the party, and Mr. Howe's nephew, Alfred Howe Terry (later of the United States Army), a few years his junior, was one of its members. Civil engineering, however, was not to his taste; the party met with much inclement weather, and their sufferings, through severe cold and other hardships, made very acceptable an offer from his uncle, Ebenezer Townshend, to take a clerkship in the New York banking house of Townshend & Nevins. From this bank he went to that of Prime, Ward & King, where he had for a fellow-clerk Mr. George Coe.

afterwards prominently identified with New York's banking interests for more than half a century.

But his thoughts were constantly recurring to what he calls his "life-directing incident," which he describes as follows:

"One day early in 1838 there was brought into father's book-store, for a subscriber, a book entitled 'Historical Collections of Connecticut.' The author of the book, the pioneer of works on this plan, was John Warner Barber, by profession an engraver, then just forty years of age, and my fellow-townsmen. He had traveled in a little one-horse wagon entirely over Connecticut, from village to village, taking pencil sketches and collecting materials for the same. His book came upon the people like a work of magic. Few had ever seen pictures of places with which they were acquainted. But here was a book that showed multitudes the very houses in which they were born, the school-houses where they had been taught, the churches where they had worshiped God, and the hills where from infancy they had seen the sun set every night in his sublime circuit around our globe. Every village and town was shown, birth places and monuments of noted men, historical localities, and so on. Every man in Connecticut, after he got that book and saw what a grand little State she was, how glorious her history, furnishing as she did more soldiers, more food and more general supplies to the Revolutionary army, in proportion to population, than any other, felt at least two inches taller. Never had any book been published on any State that so fed the fires of patriotism as did that of the people of Connecticut.

"Although born in an atmosphere of books," he continues, "this impressed me more than any book I had ever seen, and I felt that I would like of all things to dedicate my life to traveling and making such books for what President Lincoln calls 'the plain people'—an expression which gives the idea of the possession of the solid virtues and the recipients of the simple home joys, and is, therefore, peculiarly grateful to the honest heart. Two years passed; in the interim my father had died. I had learned to sketch from nature, made a small book which, published by the Harpers, went through many editions. I had passed nearly all these two years with my uncle, a stock broker

in Wall street, an uncongenial spot, where I felt that Tophet was not afar. The spring of 1840 arrived, when one day I walked into Mr. Barber's office and inquired if he had thought of making a book on New York State. He replied 'Yes, but it was a great undertaking.' When I told him I would like to join him in such an enterprise, his face broke into smiles, and like the good man he was, thereupon, on going home, as he knew me only in a general way, consulted with his wife. Now she happened to have been when a maiden under the simple name of Ruth Green, the identical school marm that had taught me my letters, when, taking a pin in her fingers and pointing to the successive letters of the alphabet, she asked 'What's that?' Her report in regard to me was according to the first letter of the alphabet, with a number at the end—thus, 'A, No. 1.'"

A few days later Barber & Howe commenced their historical exploration of New York, Albany being the objective point. After spending a few days in Albany, visiting libraries, searching records, etc., they took the railroad to Schenectady (then one of two or three in the Union) and from that place crossed the State by canal to Buffalo. Here they separated and young Howe went afoot, with knapsack on his back, visiting county seat after county seat, until he had twice crossed the State. In the fall of 1840 he returned to New Haven "to cast his first vote for General Harrison," as he proudly confesses, and then resumed his work in New York. Reaching Cooperstown he met James Fennimore Cooper, the great American novelist, then in the zenith of his fame. "He was a large man every way," says Mr. Howe, "lordly and imperious in his manner and with weighty voice."

The following winter the historical explorations of New York were completed, when he again turned his steps homeward. Proud of his work and content with his occupation, he thus describes his elation at this time:

"One bright morning in February, 1841, I crossed the ferry from Jersey City and landed in New York, and then rode the full length of Broadway on horseback out into the country towards my home. It was a beautiful winter morning, just the hour the down-town merchants were thronging to their places of business.

The sidewalks were filled with multitudes of elegantly dressed men, and it seemed as though every eye was upon me, for I was a conspicuous object, with my knapsack strapped to my horse, long hair streaming from behind my cap, and a pair of bright scarlet leggings covering my limbs from ankle to thigh. I didn't care, for from my elevated perch I looked down upon them, and would not have exchanged situations with the proudest and wealthiest of them all. I had an avocation that I loved, one that would benefit the world, and competition with none."

Arriving in New Haven, he prepared his New York book for publication and issued it from the press in the fall of 1841. It had a sale of some 10,000 copies; but, although a profitable venture, his ambition to make books was so much stronger than his love for selling them, that in 1842 we find him traveling over New Jersey, gathering material for a work on that State, at a time when it would have been more profitable to him, from a financial standpoint, to be giving more attention to the sale of his New York book. He was again associated with Mr. Barber, but, as in the work on New York, that gentleman's business was principally the making of pencil sketches of views in the larger cities, and of points of historic interest, and from these, and similar sketches by Mr. Howe, were made the engravings for illustrating all their State historical works.

The "Historical Collections of New Jersey" was published in 1842, and in the spring of 1845 Mr. Howe straightway engaged upon a similar work for Virginia. His association with Mr. Barber ended with the work on New Jersey, and although Mr. Barber engraved most of the pictures for Mr. Howe's succeeding works, he had no other interest in them than that of an engraver employed by Mr. Howe to make wood cuts from his own pencil drawings. Landing at historic Jamestown, with knapsack on his back, he started across the fields for Williamsburg, when he met with an adventure which he describes in an entirely characteristic manner:

"The day was pleasant, the air soft and balmy; but I was in a land of slaves. I had come from a land of freemen. What were my emotions? Grand and glorious. I felt the Nation owed a debt of gratitude to old Virginia. Her very form was grateful

to my eye on the map, and when it was marred by the excision of West Virginia, I felt as though a sacrilege had been committed. The memories of the strong men she had given to the country in the time of her great struggle, and in the forming years of her government, crowded upon me. Washington, Patrick Henry, John Marshall, Jefferson, Madison, and a host of others, prove that slave-owners can be men of the loftiest patriotism and possess the brightest virtues that adorn humanity. I was soon to meet slavery, and it struck me, not as presented at the hands of a kind Christian gentleman, who felt for the best welfare of a mass of humble dependents, only a few removes from savage Africa, but it struck me butt-end first, from the hands of a negro-driver, a Virginian, the first white man I was to meet on my introduction to Virginia soil. After walking a mile across the fields I discovered a body of men whom I approached to inquire my way and found them to be a gang of slaves, working a few feet only apart, and in their midst stood a solitary white man, their overseer. They were armed with heavy hoes (mattocks I think they called them), and were busy grubbing the ground. They looked stolid, stupid and sad, as they lifted up their coarse implements, and then sunk them in the earth. It was a novel sight this, to the overseer—my appearance, a stranger, on foot, and bearing a knapsack. On learning I had just landed and was from the North he opened up on the subject of their 'peculiar institution,' and in less than two minutes said to me in a calm voice: 'I'd as leave kill a nigger as kill a dog.' With this a sardonic grin spread over his countenance, and I looked around to see what effect his words had upon this group of abject beings. They looked as before, stolid, stupid, sad, while their coarse implements continued to go up in the air and descending cleave the earth—God's earth."

But the observations of Mr. Howe on slavery, unique and interesting as they are, in showing the conditions actually existing in Virginia at that date, can not be repeated here. They give us a valuable insight into the character of the gentle and humane man, disclosing his great charity, freedom from prejudice, his breadth, and humanity—characteristics especially important in the work he had adopted as his calling in life, that of

gathering the facts of history and conditions of American commonwealths, and putting them in attractive and permanent form for the use and benefit of the people. So thoroughly and conscientiously did he labor that his work has proved invaluable to all. As in his explorations of New York, he made pedestrian tours over Virginia, visiting and sketching places of historic interest, interviewing the aged, illustrious, and well-informed, and searching records. West Virginia was then a part of the mother State, so it was included in his travels. He met with many trying experiences in these pedestrian tours, some of which are described in his reminiscences of travel in Virginia.

"Late in the fall of 1845," he says, "I left my home for a final pedestrian tour through western Virginia. I entered at Point Pleasant at the mouth of the Kanawha, and penetrating about one hundred and fifty miles inland to the White Sulphur Springs, I turned southwest, my objective point being the Natural Tunnel in Scott county, that extreme point where unite a trinity of States, Virginia, Kentucky and Tennessee, each sending great mountain tops high in the air. One object I had was to sketch the Natural Tunnel, a passage through a mountain, down which ran a small river. No artist had ever visited that wild spot. I was for weeks footing it through the mountains. The population was very sparse; that of an entire county in some cases could be easily got into one of their churches. Their houses were generally cabins and of a single room, standing in the narrow valleys of the mountain streams. The people dressed in homespun and lived the life of half-hunters, half-agriculturists. The pleasure which comes from using our muscular systems when everything is in high working condition is beyond words. My physical vigor in this pedestrian excursion through southwestern Virginia was brought up to the highest point of perfection. The season was most propitious; it was the early winter, the climate bracing, the scenery wild and picturesque, and the semi-civilized people I was among supplied me with a fund of thought and amusement. Poets and preachers, they say, are sometimes inspired. Theirs is brain inspiration. Mine was of a different character. I had walked so much that my locomotive muscles had become like whip-cords; and, full of high spirits, it

seemed as though my limbs were inspired. I suppose this might be called 'leg inspiration.' I remember one day in particular when near the Tennessee line I walked about fifty miles, and that in the last two hours it seemed as if something had broken loose; I flew rather than walked. David Livingston, the African traveler, relates in his African experiences, that when he had got broken into walking he felt as though he had no feet. For my part I felt as though I had no legs. They were wings. In the country I was in there were no bridges and the streams were broad and shallow. I never stopped to take off my shoes, but waded across as I was; sometimes broke ice to do it, but never received any harm. In summer this is especially beneficial, cooling the feet swollen by the heat, and invigorating the entire system. I experimented in all modes of walking and I found that adopted by Captain Alden Partridge the easiest. He was famous sixty years ago, in Middletown, Connecticut. One day he walked seventy miles, in the course of which he ascended and descended Ascunet, in Vermont, a mountain 3,000 feet high. His mode was to expand his chest, bend forward at the hips, throwing his weight in front of his legs, which then had nothing to do but shuffle after, loose and easy, and keep him from tumbling to the ground. I saw him thus walk when I was a boy and I felt sure he would 'get there.' He was well named 'Partridge.'"

The work on Virginia was published in 1845, and although its sale was large, in proportion to the population of the State, it was not financially profitable to the author and publisher. It was highly prized by the people of Virginia, and their Legislature adopted resolutions of thanks to Mr. Howe for the valuable work he had prepared.

John C. Calhoun, the distinguished Senator, was so favorably impressed with the Virginia work that he importuned Mr. Howe to undertake a work of the same character on South Carolina. At his earnest solicitation Mr. Howe visited Charleston with that object in view, but the plans were not completed, and so the project was abandoned. "It fell through with," says he, "owing to the timidity of a person there (presumably not Mr. Calhoun) who was to pecuniarily join in the enterprise."

Then it was that he came to Ohio, which had attracted him

long before by its wealth of material and its promise of future greatness. "Ohio, the bright young State," he says, "dedicated to freedom, lay before me, a mine of rich, ungarnered history." His experience in other States, added to his natural ability, with his enthusiasm and love for his occupation, gave him an especial fitness for that which was destined to be the most important work of his life. From boyhood, in his Connecticut home, he had heard much of Ohio—to the young "a land of romance and adventure"—for Ohio had absorbed some of the best blood of his beloved native State, and tales of the brave spirits in the wilderness, their hardships and privations (which seemed but to strengthen their determination to establish a commonwealth where all men should be free and equal), had made a deep impression upon him, and he longed to act a part in its development and fame. It was in this spirit of love and enthusiasm that he entered upon his work. Following in the footsteps of the founders of Ohio, he commenced his tour of the State from the spot where they had first landed. He intended to walk over the State, and starting at Marietta in January, 1846, he walked more than a hundred miles, but at Delaware bought a horse, on whose back he rode over most of the State. Pomp, as he was called, was docile and old, not worth much in the market, but valued highly for the faithful performance of his new duties. His master became strongly attached to him, as he did to all God's creatures, and many years after the sole companion of his first tour was dead, he was wont to speak of faithful old Pomp in terms of great endearment.

Travel at that day was difficult and laborious, many of the roads were frequently absolutely impassible on account of mud so deep that no animal could struggle through it for any considerable distance. The only hotels, called "taverns," were mostly crude log cabins, often infested with vermin, so that the traveler dreaded the coming of night, and he frequently remarked in later years that he had enjoyed more sleep rolled in his blanket on the floor than in beds, during his first tour through Ohio. But the public were never sensible of the privations and hardships he endured, nor heard from him the least complaint in the work

which he pronounced as "congenial with his loves," and thought would so "widely benefit his fellow-men."

"When in 1846, my snow white companion, old Pomp, carried me, his willing burden, on his back," he writes, "so young was the land that of the very lawmakers eighty-four out of one hundred and seven were born strangers. (That is, in other States or countries than Ohio.) Only four years before had the State grown its first Governor, in the person of Wilson Shannon. The very State capitol in which the Legislature assembled was a crude structure that scarce any Ohio village of this day would rear for a school-house. Ohio was a new land, opening to the sun. Its habitations were largely of logs, many of them standing on the margin of deep forests, on a soil for the first time brought under the benign influence of human cultivation."

The appearance in towns and villages of such a traveler was an event to attract extraordinary interest, and everywhere he was cordially welcomed and given all possible facilities for obtaining the information he desired. The early settlers were proud of the record they had made, and from these he gathered much of the valuable historical information he preserved. Many of the pioneers had passed away, but some were still living, and from the lips of these actual participants he gathered and recorded the tales of struggle and privation, adventure and daring, hardship and toil, peculiar to the opening up of the Ohio wilderness. The pioneers of Ohio had to overcome greater obstacles than those of most other States, and to this, in no slight degree, he always claimed, is due the strong characteristics of the Ohio men of to-day.

When Mr. Howe came into a town every means of information was placed at his disposal. He considered nothing too insignificant or trivial that served to show the causes of the advancement of the State, and the prosperity of its people, but was very painstaking, and carefully considered and investigated the data given him. It was his invariable practice to require that all information should be written out, and if for any reason the relator of reminiscences or facts could not write them out, he would do so himself, at their dictation, and then carefully verify, as far as possible, the statements thus made. To insure further

verification, and also with a desire to give credit to every one who aided him, he would always give his authority, or state the source of his information. Perhaps his reputation as a historian might have been greater had he been less unselfish and adopted the practice of many writers by giving all information as if originating with himself. Works relating to Ohio are full of information taken from his humble records (gathered and preserved at so great a cost of labor and effort) with no credit to Mr. Howe, although the original data would never have been secured, and probably lost forever, but for him. He sought the fountain-head for his facts, not only dusty records, dingy family archives, old papers and letters, but frequently the statements of the very persons who made the history—in fact he consulted everything and everybody that served to illustrate the development and progress of the State. Pencil in hand, he made sketches of every point of interest. He hunted up the old plans and made sketches of all the battlefields and forts famed in the early annals of Ohio. When making a sketch of a town or village he would seat himself frequently on a tree-stump, or on a chair, in the middle of a road, or street, and the strange sight he presented would soon gather a crowd about him. A remark he often overheard while thus engaged, and which afforded him much amusement, was, "I wonder what that fool is doing!"

But all were not so disrespectful, and many of those whose attention was thus attracted, gave him aid and information of great value. Among these was one at Lower Sandusky (Rutherford B. Hayes), who afterwards became his associate in the Cincinnati Literary Club and a life-long friend. Two young men he thus met at Athens were Horace G. Wilson (later the law partner of Allen G. Thurman) and Samuel S. Cox (subsequently famous as a member of Congress), room-mates at Athens University. Another who went with him to point out the birthplace of Tecumseh, was known as J. Warren Keifer, a plucky boy who became Speaker of the National House of Representatives.

He traveled over the State for more than a year, and in February, 1847, returned to New Haven, to arrange and prepare the materials he had gathered in suitable form for publication. In September the work was published and at once became the

standard on Ohio history, finding its way into thousands of homes, giving the people knowledge of themselves, and inspiring them with a love of their State such as they had never before possessed. More than 18,000 copies of the first edition were sold, a wonderful record for those days, and not surpassed in Ohio by any similar work published since. Even the famous "Memoirs of General Grant," published when the State had more than twice the population, reached a sale of only about 14,000 copies in Ohio.

In many Ohio homes at that day, next to the family Bible, Howe's "Collections" was most highly cherished. The generation that made Ohio such a great factor in the trying period of the Nation's struggle against slavery and for the Union, learned their lessons of patriotism largely from his work. It made them proud of the deeds of the fathers in opening up a bright and beautiful new land to civilization, and filled them with a desire to emulate their heroic examples in self-sacrifice and heroism. Hundreds have testified to the value of the book in giving instruction and inspiration in youth to strong purposes and high aims, and in the impulse it gave to their subsequent lives and histories. Perhaps no single volume has done so much for the youth of Ohio then and since.

After its publication, in September, 1848, Mr. Howe was married to Miss Frances A. Tuttle, of New Haven, Conn., and removed to Cincinnati. Here he engaged for a number of years in compiling, publishing, and distributing through canvassing agents, works on travel and history. He was eminently successful in making books that were peculiarly attractive to all classes, and aimed to instruct, while seeming to entertain only. He especially desired to reach those who seldom read books and sought to arouse interest by the attractiveness of the pictures which he used to illustrate the text, as well as the adventures or scenes he described.

His publications during this period were "The Great West," "Achievements of Americans," "Life and Death on the Ocean," and "Travels and Adventures of Celebrated Travellers," tales of travel and adventure, achievement, suffering and heroism. He never introduced fictitious characters, nor issued any book

that was not fully authenticated as a record of actual events and experiences, nor any that was not calculated to instruct and elevate his readers. He had little love for fiction of any kind, but was always a searcher after truth.

He never could read but one novel with any degree of interest—Goldsmith's "*Vicar of Wakefield*," which he admired for the beautiful simplicity of its diction and the artlessness of its characters. He was always a student of literature, fond of poetry, particularly that of Percival, Whittier, Longfellow, Bryant, Halleck, and Willis—but besides "*Japhet in Search of His Father*," by Marryatt, and "*Tom Jones*," by Smollett, both read in his youth, the "*Vicar of Wakefield*" was the only novel he ever read, and this he read and re-read all his life.

In 1856 he commenced the preparation of a work which he expected to be the greatest and best of his life. A series of volumes to be entitled "*Our Whole Country*," a history of the United States on the same plan as his State histories. He had been financially successful with his "*Ohio*" work, and its successors, and all his savings were invested in his latest venture. After five years of labor and an expenditure of many thousand dollars, the work was issued from the press, but in the same month Fort Sumter fell. History was being made, not read. "*Our Country*" was a financial failure. He made an assignment of all his property for the benefit of his creditors, and with a wife and four small children to care for, started anew in the world. He would have enlisted in the army, but there was no one to care for his family, nor provide for their support during his absence. He continued the subscription book business and managed to earn a livelihood. When Cincinnati was threatened by Kirby Smith, he joined the "*Squirrel Hunters*," and crossing the pontoon bridge into Kentucky aided in the defense of the city. He was a popular man, and the members of his company chose him as one of their officers. A near neighbor had been a candidate for the office and felt greatly chagrined at his defeat, whereupon Mr. Howe went to the commanding officer and tendering his resignation asked for the appointment of his friend in his place. He was better fitted for the office himself, as he had had a little military training in the New Haven Grays, as a young

man, but his friend's disappointment appealed to his sympathies, and he never considered self when the interest or happiness of his friends was concerned.

About the close of the war, Mr. Howe published his work on the "Times of the Rebellion in the West," and engaged in its sale, which brought very profitable returns. From 1870 to 1877, he republished some of his former publications which had gone "out of print," with moderate financial success. During this period he was often importuned by prominent and influential Ohioans to revise and bring down to date his Historical Collections. His invariable reply was that he expected to do so some day, but that he was not ready just yet. Thus matters rested until 1878, when he removed to New Haven. Here he engaged in literary and other work, always intending to return to Ohio and revise his work on this State, until in the summer of 1885 he began to realize that he was fast reaching an age when it would be a physical impossibility for him to carry out his cherished plan if delayed much longer.

A friend once said of him; "He has the heart of a youth, the head of a poet, and the faith of a saint." The spirit and vigor of youth were his until the last. At seventy-one he was as strong and active as most men of fifty; had never known a day of sickness in his life; had no aches, pains, or ailments of any kind; and so his years seemed no obstacle in starting upon a work that would require especial ability and fitness, and steady, persistent, and arduous labor for many months. He wrote to friends in Ohio:

"I have been loitering under the beautiful elms and watching the ever-varying groups of humanity flitting across the bright sward of its far-famed Green. There eight generations of my ancestors have come and gone—and there they worshipped God. To me the spot is a paradise. A sense of duty now impels me to change, to repeat the story of my youth in a larger, better form, to again pass over Ohio, take views of the places I took forty years ago, contrast the new pictures with the old, as I have preserved the original engravings, and bring down the history to date. Since that old time Ohio has increased in population from a little over a million and a half to nearly four millions,

while her advancement in material resources and general intelligence, no arithmetic can measure. Should some great cataclysm ensue, some morning dawn to find the rising sun shining over a vast inland sea where on the eve before it had gone down upon the broad, noble State of Ohio, the rest of the Nation would feel as though its very heart had gone. Then they would realize to the full what has been the moral grandeur and manly vigor of your great commonwealth. We desire no higher crown for our last days than to worthily perform our task. * * * Autumn is now upon us in the perfection of its beauty, in the generosity of its fruitage. The air is as balm; the leaves blush in crimson and glint in gold. Time has whitened my hair, but the blood in my veins is as red as of yore. The joy of health, maturity of judgment and enlarged experience are yet mine, so that in view of the good work set before me, I am blessed with such exuberance of spirits that each passing hour seems as a benediction. Besides, I shall not be alone. Patriotic spirits everywhere will be more than glad to help me. With their aid I hope to make a work that in every way will be worthy of the greatness of the subject; that shall be regarded as a household treasure by every family in Ohio that may possess it."

As soon as his friends in Ohio became cognizant of his determination to bring his history down to date, he received letters of encouragement from prominent citizens in all parts of the State. President Hayes said: "Your first edition has been of inestimable benefit to the people. One copy of it is now within my reach, and always is, when I sit as I now do in my place of writing at home. So if I can help you, I will be more than glad to do so." Governor Hoadly wrote: "I am delighted to hear you contemplate a second and enlarged edition of your work on Ohio." Hon. Alphonso Taft, Judge Allen G. Thurman, Senator Sherman, Hon. William McKinley, ex-Governors Foster, Cox, and Noyes, and hundreds of others, of the most prominent, intellectual and patriotic citizens of Ohio, expressed their pleasure, and gave encouragement and aid to the project.

Not having available funds to carry him over the State in his contemplated second tour, he determined to try a plan sometimes adopted in England, but never before tried in this country;

that of advance paying subscriptions. This could not be successful except by one known to all those who gave subscriptions, and by one in whose integrity and ability they had perfect faith. But so well was Mr. Howe's character known, and so great the appreciation of his former work, that he secured more than two hundred advance-paying subscribers among leading citizens of Ohio, who paid him \$10.00 each four years in advance of their receipt of the book.

President Hayes invited him to his home in Fremont, and in October, 1885, he spent two weeks there, with this liberal patron of educational and charitable work, planning for his second historical tour. Starting from Fremont, he again made a tour of the State, visiting every county-seat, principal town, and place of historic interest, searching records and gathering materials for a history of the chief events occurring since his first tour, forty years before. Everywhere he made arrangements with local photographers and took them to the points from which he had made his pencil sketches in 1846, that he might give contrasting pictures, showing the changes and developments of the intervening time. His tour partook somewhat of the character of an ovation. He was constantly greeted with expressions of gratitude from men of mark for the good his book had done them in their younger years in giving them an accurate knowledge of our noble State. It was acknowledged and praised by all as the greatest factor extant to that end. In many places parents brought their children to meet him, and everywhere he was greeted with enthusiasm and afforded every facility for the prosecution of his work. He finished his second tour in March, 1887, and then in connection with his eldest son, Mr. Frank H. Howe, whom he had called to his assistance, set about arranging and preparing his materials. It was a tremendous task, involving much labor and great expense. The amount of materials gathered was vastly greater than on his first tour; many authorities had written on the subjects in hand, and the work of selection and verification was extremely laborious and difficult, so that with the most indefatigable industry it was two years before the first volume of the new history was issued. The task would have been an easier one had he not been greatly cramped for

means to prosecute his work to the best advantage. The only assistance he had, aside from special articles on the leading features of the State, contributed by high authorities on each subject, was that of his son. At seventy-two, he devoted himself with such indomitable and persistent labor to his work, as few young men could have survived. It absorbed his whole life for the time being. Rising at seven each morning, he would work an hour before breakfast, resume work when the scanty morning meal was finished, and keep at it until noon. After dinner he would lie down for an hour, then work again until supper, and then, after a cigar, and a short rest, would resume work and often labor until midnight. This, too, when his physician advised him that he was threatened with a disease of the nature of a cancer on his left temple, which continued to grow, and gave him great pain. He became alarmed and concluded it was simply a question of time as to when it would cause his death, and so set to work the more resolutely to complete his history of Ohio before the summons came. He thought that his case was somewhat similar to that of General Grant's, but its results were more fortunate, for the supposed cancer, after it had reached the size of a silver quarter, and been a source of trouble and pain, began to decrease, and four years after its first appearance was completely healed.

In 1889, the first volume of his centennial "Collections" was issued and was received with the highest praise from the people, the press, and the best authorities, both within and without the State, but it was not as successful financially as he had expected, and the returns were entirely insufficient to enable him to complete the work. He then appealed to the Ohio Legislature to purchase a sufficient number of copies to enable him to bring the history to a successful conclusion. The General Assembly responded nobly, considering the work too valuable to the people to allow it to perish for want of financial aid, and purchased 1,200 copies, for which he was paid \$12,000 by the State, the volumes to be delivered and paid for as published. This enabled him to go on with his work, and in 1891, after six years' constant and arduous labor, and many embarrassments, the history was completed, in three splendid quarto volumes, instead of two, as

originally planned. Mr. Howe had agreed to give to his advance-paying subscribers and to the State a two-volume work, but, when it had grown on his hands to three volumes he promptly delivered these at the price of two, although he thereby entailed upon himself a very heavy and troublesome debt. The tremendous task was at last accomplished, and he was ready to die content. He gave to it the best thought, care and effort of his life. In the endeavor to furnish a full and complete record of the principal events, features, and characters that have made Ohio so great a State, he was obliged to make a larger and much more expensive work than the masses of the people could afford to buy. He fully realized before its completion that its sale would not prove remunerative, but he went steadily on, sparing no expense or labor, feeling that the pride and patriotism of the people of Ohio would eventually sustain him, and that the good of the State and its posterity demanded the completion of the work on the elaborate plan he had designed from the start it should be.

In this, perhaps, he would, in any event, have been doomed to disappointment; but death, "the poor man's dearest friend," soon intervened to end all his embarrassments and sufferings. The compilation and publication of the "Historical Collections" required a cash outlay of \$35,000. After exhausting all the funds that he could possibly raise, his devoted wife contributed all her private fortune, their home in New Haven was mortgaged for \$7,000, and, besides this, such other necessary debts were contracted that when the last volume was finally issued Mr. Howe found himself indebted to printers, electrotypers, artists, engravers, and book-binders more than \$14,000, which, of course, was a direct lien upon the plates and cuts, then in the hands of the publishers. In return for this great outlay, aggregating \$56,000, the advance subscriptions and sales had amounted to about \$12,000 and the State had extended much needed assistance in the purchase of 1,200 copies at \$12,000 more.

Still he did not despair. With all the courage and determination of a young man, he began, at the age of seventy-five, to canvass the larger cities of Ohio, and was not disheartened by his comparatively small sales. He was ambitious to see his

history placed in every school in the State. With this in view, he succeeded in getting the General Assembly to enact a law authorizing city boards of education and village school directors to purchase the "Collections," and devoted no little attention to securing "adoptions" by them. But the law was not mandatory, and the process was too slow and expensive for the small returns secured. Thus it often happened that the venerable historian was almost without a dollar. Yet he never lost faith in his work, nor hope in the outcome. He was braver than all his associates, and murmured less at failure and ill-fortune than any of them.

The aid extended by the General Assembly of Ohio, valuable and indispensable as it had been, was not without at least one disadvantage. It decreased subscriptions, and deprived him of many good canvassers, upon whom he had confidently relied, since popular expectation fastened upon the hope that the State would eventually purchase the work and distribute it gratuitously to the schools and public libraries, where it would be of easy access to all. Realizing, at last, that this was his only hope, Mr. Howe petitioned the Legislature to purchase the plates of the work for the State, and vainly urged, in person, the members of the Seventieth General Assembly to make an appropriation for that purpose. His appearance among them was pathetic, however dignified and respectful, and did more for his cause than any or all the friends who volunteered to help him. As a rule he was treated with great deference and regard, but the resolution for the purchase failed of adoption in the House by a single vote. Still not disheartened, Mr. Howe was preparing for another effort at the next session, when, in October, 1893, his death occurred—his anxiety doubtlessly hastening its approach.

Contrary to the usual fate of such deserving measures, the Seventy-first General Assembly, to the general surprise, did honor and justice to his memory by adopting a resolution providing for the purchase of the copyright and plates of the "Collections," and appropriating \$20,000 for that purpose, for the exclusive benefit of his widow, Mrs. Frances A. Howe. His petition to the Legislature for the purchase—for it can justly be

claimed as a personal tribute—was one of the most remarkable ever presented. It bore the signatures of Senators Sherman and Brice, ex-Senator Allen G. Thurman, ex-Governors Cox, Foster, Foraker and Campbell, Governor McKinley, and nearly all the State officers, and many ex-State officers, all of the Ohio Congressmen to whom it was presented, and many ex-Congressmen, eighteen college presidents, the State School Commissioner, the officers and members of the principal teachers' associations of the State, the superintendents of the schools of the larger cities, and many other prominent educators, the President of the State Historical Society, and scores of others of the ablest and most influential citizens of Ohio. It was unanimously indorsed by the press, and both the resolution for the relief of Mrs. Howe and the necessary appropriation were eloquently and effectively advocated before the Senate and House Finance Committees by such men as Gen. John Beatty, Dr. Washington Gladden, Superintendent Shawan, of the Columbus schools, Mr. E. O. Randall, Secretary of the State Historical Society, and Mr. A. H. Smythe, the well known book-seller and publisher. By this timely aid the home of Mrs. Howe in New Haven was saved and the bulk of her husband's debts so far reduced that the balance could be liquidated by their faithful son, Mr. Frank H. Howe, who had the general management of the matter before the Legislature. It is perhaps the only instance in Ohio history where any author received such direct recognition and great aid of this character, and never were both more richly merited.

His death came suddenly, but perhaps painlessly. So active was he to the last, and so intent upon making the most of life, that he fairly "died in the harness," a wish or hope he had often expressed. He was preparing to take his wife to Chicago for a short visit to the World's Fair, where their son Frank was employed. He had purchased the railroad and sleeping-car tickets and made all other arrangements to leave on the evening train, Saturday, October 14, 1893. While in apparently good health, and most exuberant spirits, he stepped into the Candy Kitchen on High street, in Columbus, for a lunch. On his way to the restaurant a friend who noticed his elation, inquired about his health. "Oh, I am all right!" was the cheery response. "I

expect to see more wonders in the next fortnight than are found in all the romances ever written. Like the Count of Monte Cristo that you've seen on the stage, 'the world will be mine' till I've seen the whole of the Fair, at any rate."

He showed no sign of distress or fatigue whatever, but while waiting for his lunch, without a moment's previous warning, he leaned forward his head upon his hand, and in that position was stricken with paralysis, never to rally or speak again. With a smile upon his face and joy and thankfulness in his heart, he was carried home to breathe his last, eleven hours later, surrounded by his devoted wife and children, though never conscious of their presence or tender ministrations. He scarcely moved after the blow came, and his face never changed its bright expression, as if his closed eyes, tired of all the sorrows and troubles of earth, had already begun to study the beauties and delights of a new and better world beyond the grave. While not a communicant of any church, he was of a deeply religious nature—one who reviled not nor scoffed at the beliefs of others, but held fast to the faith and teachings of his Puritan ancestors, without sternness, austerity, or ostentation, and "giving no other evidence" than his daily walk and example, which were always open, elevating and righteous.

Of his home life, let a word suffice. None could have been more tender, affectionate, unselfish and self-sacrificing than he to wife and children, who were his chief concern, his joy, and his pride. He once described his married life as "a courtship of forty-six years," and that tells the story better than any other words could describe it.

His funeral services were conducted from the First Congregational Church, East Broad street, on Tuesday afternoon, October 17th. The address was by the Rev. Henry Stauffer—upon the purity of character, the noble self-sacrifice, and the life-long devotion, integrity and industry of the lamented historian. His love of home and country and grand work for both were touchingly and truthfully portrayed, and his labors as an author reviewed approvingly, especially his preparation of the standard history of Ohio, which was described as a monument to the first completed century of the State, and to the long and useful life

of its author, as well. The pall-bearers were Gen. John Beatty, Dr. Norton S. Townshend, Prof. J. A. Shawan, Charles J. Wetmore, Dr. F. H. Houghton and R. H. Osgood. His interment was at Green Lawn Cemetery, where, in accordance with his oft expressed preference, a huge granite boulder will mark his grave. On the polished face of this boulder will be chiseled the words: "Henry Howe, the Ohio Historian. Born October 11, 1816; died October 14, 1893."

Perhaps any discussion of the historic merits of his last great work upon and for Ohio, is out of place here, as posterity alone can place a just estimate upon its value. Critics have essayed to point out its inaccuracies, as critics always do, but its mistakes are hardly as palpable as the errors in judgment of those who so hastily complain. They fail, as a rule, to understand entirely the plan and purpose of his "Collections," for never was the word used more advisedly and appropriately.

"My work," he is recorded as once saying, "is not a treatise on the philosophy of history. I have no theories to prove or disprove. My endeavor is to record history as I find it, and not to color it with my views or opinions. I seek to compile and publish the facts concerning the principal events, features, and characters that make up Ohio history; to go among the people, into every locality, town, village, and hamlet, and gather this valuable information while it is yet accessible, and then to record it in such shape and manner that it may interest and attract the plain people, while, perhaps, at the same time, it may give to students and scholars the necessary data for the study of the forces and conditions that have produced the moral, intellectual and material development of a great commonwealth."

Keeping this in mind, who will claim that Henry Howe did not amply fulfill his mission? We can not foretell or penetrate the future; we frequently can not justly estimate the verdict of the present, but reckoning the judgment of the people by the rules and standards of the past, we confidently believe that his fame will grow with the ages, and increase with the growth, the prosperity, and the glory of Ohio. Greater reward he could not have asked, and less he will not receive.

In the fullness of years, he passed away, but he is not dead, for he "lives in hearts he leaves behind." His "Collections" are his best monument, he needs no other; nor yet could Ohio, the great State he loved so well, and for which he did do much, with all its wealth and power, erect one so precious and enduring.

RUTHERFORD BIRCHARD HAYES.*

BY REV. WASHINGTON GLADDEN, D. D., LL. D.

We have studied here, more than once, the lesson of some great life. In no other form does Truth present herself with so much quickening for the intellect, with so much invigoration of the will. For this reason chiefly was the Word made flesh. All highest revelation to men must come through the form of a man. The story of a life worthily lived is more convincing than logic, more instructive than philosophy; it carries an element which transcends all the formularies of science; it contains within itself all that gives the moving thrill to music, and immortality to verse.

Thrice, already, since the summer rest, have we been invited to such a sympathetic study of great lives that had suddenly ceased from among us: The editor and essayist, Curtis; our Quaker poet, Whittier; the laureate of England, Tennyson. To-night we are called together to reflect for an hour upon the meaning of a life whose sudden termination has brought to this commonwealth and this nation a great bereavement. To the people of Ohio, and especially to the people of Columbus, the death of President Hayes comes a great deal closer than that of either of the notable men whom I have named. To them our debt was large, but it was mainly intellectual. For the enriching of our minds, for the quickening of our better purposes we owed them much. But President Hayes has been our neighbor and our friend; he has walked with us by the way; he has

* Rutherford B. Hayes became an interested and active member of the Ohio Archæological and Historical Society soon after its organization in 1885. In 1890 he was made a life member and at the meeting of the Society held in Chicago, Ill., October 19, 1892, he was elected a trustee and president. He served in that office till his death, January 17, 1893. Mr. Hayes regarded the Society as the agent of a most deserving and valuable work. He had many plans for the greater development and accomplishment of the purposes of the Society. His untimely death was a loss to the Society as it was to the many public organizations to which he was so unselfishly devoting his wise and noble energies.—E. O. R.



RUTHERFORD BIRCHARD HAYES.

talked with us at our firesides; in our public assemblies he was a not unwonted, and always welcome presence; in a great many of the concerns in which our hearts were most engaged, he was our wise counsellor and stanch helper; the abrupt and unexpected cessation of a force like this is a real shock to our community; and the absence of such a comrade from our toil, of such a friend from our familiar circles, brings a sense of personal loss and loneliness.

I have named him the Great Commoner. This title was given first to William Pitt, in the days before he was Earl of Chatham; it was the popular tribute to a lofty spirit who was "the first to discern," as one of his biographers phrases it, "that public opinion, though generally slow to form and slow to act, is in the end the paramount power in the state; and the first to use it, not in an emergency merely, but throughout a long political career." William Pitt was the Great Commoner so long as he kept in touch with the people; no man ever had greater power in England; he was put at the head of the greatest ministry that ever ruled England, not because king or parliament wished it, but because the people would have it. Years afterward, when he suffered himself to be elevated to the peerage, he came down from his throne. The title has descended to the man who is now prime minister of England, and who has won it very much as Pitt first won it, by identifying himself with the people. Warned by the fate of Pitt, it is not at all probable that Gladstone will ever be tempted to exchange for the bauble of a peerage that place which he holds in the hearts of his countrymen.

Our own Great Commoner has won the title by the same qualities. He, too, was essentially and pre-eminently a man of the people. From the common people he rose, and he never rose above them. That persistent determination of his to walk in the ranks of Grand Army parades has been censured by some as affectation. But to President Hayes it was the simple expression of a fact which he would neither deny nor ignore. He was a plain citizen, nothing more; he would not masquerade as anything else. While he held the chief magistracy of the nation he magnified the office; when he laid it down he returned to

his place. He knew the dignity of office; he knew, also, the dignity of private citizenship.

The relations of President Hayes to the Commonwealth of Ohio are, as I have said, peculiarly intimate. He was born upon her soil; most of his education was gained in her schools; all his professional life was spent in this State; the troops that he led in the war of the rebellion were nearly all Ohio soldiers; Ohio sent him to represent her in the National Congress, and thrice made him her Governor; it was from the capital of Ohio that he was translated to the White-house at Washington; and since he laid aside the arduous burdens of government, this State has been his constant home. To multitudes in other States his great services have endeared him; but Ohio has the largest share in his renown. I think it must be allowed that he was her greatest citizen—the finest product, on the whole, of her century of history. This is a large claim, but I advance it with some confidence. When the future historian comes to test by the standards of impartial criticism, the characters and the services of the men of Ohio who have been at the front in the nineteenth century, I think that the name of Rutherford Birchard Hayes will lead all the rest. Grant and Sherman and Sheridan were greater generals; Garfield was a greater genius, and there have been greater orators and greater jurists and greater educators; but take him all in all, for an all-round man—citizen, soldier, statesman, scholar, man of books, man of brains, man of affairs, husband, father, philanthropist, neighbor, friend, there is not another who will measure quite as large as the good man who has just gone.

I have named Garfield; there is a somewhat striking parallel between the origin of these two Ohio Presidents. Abram Garfield came, with a little family, from Central New York to Cuyahoga County in 1830; made a fairly prosperous beginning of a home there and suddenly died, leaving a widow with four young children, the youngest of whom, then but two years old, was to be the future President.

Rutherford Hayes, a thrifty farmer and trader of Vermont, came to Ohio in 1817 and settled in Delaware where, after five years of successful industry, he died leaving a wife and two chil-

dren. Three months after his father's untimely death, Rutherford Birchard Hayes was born.

Neither of these boys ever knew a father's care, but each had a courageous and devoted mother, and owed the best part of his character to her influence.

The home of the Garfields, after the death of the father, was for years the abode of pinching penury; there were months when the only food was the meal of Indian corn, and when the mother went supperless to bed that the children might not be hungry. From such want as this the children left fatherless in the Delaware home did not suffer; enough was left to keep them in comfort, and although frugality was necessary, there was always plenty. The unmarried brother of Mrs. Hayes, Sardis Birchard, a man of refined taste, of great public spirit, and of ample means, was her good counselor and the guardian of her children. It was the fortune of this uncle which, in later life, President Hayes received by bequest; it was in the home built by his uncle in Fremont that the President has lived since 1874.

Not long after her husband's death the eldest son of Mrs. Hayes was drowned, and there were left to the widow only two of her children. With the sister, who was only a year or two his senior, Rutherford Hayes grew up in a most dear and tender affection. The family lived in a plain brick house in the village of Delaware, but there was a farm in the vicinity from which they drew many of their supplies, and to which the children were always fond of resorting. Mr. Howells's sketch of these early years will bear reciting:

"The greatest joys of a happy childhood were the visits the brother and sister made to the farm in the sugar season, in cherry time, and when the walnuts and hickory nuts were ripe; and its greatest cross was the want of children's books, with which the village lawyer's family was supplied. When the uncle Birchard began in business he satisfied their heart's desire for this kind of literature, and books of a grave and mature sort seem to have always abounded with them. They read Hume's and Smollett's English history together; the sister of twelve years interpreted Shakespeare to the brother of ten; they read the poetry of Mr. Thomas Moore (then so much finer and grander than now), and

they paid Sir Walter Scott the tribute of dramatizing together his 'Lady of the Lake,' and were duly astonished and dismayed to learn afterwards that they were not the sole inventors of the dramatization of poems—that even their admired 'Lady of the Lake' had long been upon the stage. The influence of an older sister upon a generous and manly boy is always very great; and it is largely to this sister's unfailing instincts and ardent enthusiasm for books that her brother [owed] his life-long pleasure in the best literature. She not only read with him, she studied at home the same lessons in Latin and Greek which he recited privately to a gentleman of the place [it was Judge Sherman Finch, of Delaware, with whom the lad began these studies]; she longed to be a boy, that she might go to college with him. In the futile way she must, so remote from all instruction, she strove to improve herself in drawing and painting. One of the first schoolmasters was Daniel Granger, 'a little, thin, wiry Yankee, of terrible presence, but of good enough heart, whom the love he bore to learning obliged to flog boys of twice his own bulk, with furious threats of throwing them through the school-house walls, and of making them 'dance like parched peas'—which dreadful behavior and menaces 'rendered all the younger children horribly afraid of him,' and perhaps did not so much advance the brother's and sister's education as their private studies and reading had done; that is frequently the result of a too athletic zeal for letters on the part of instructors. The children were not separated for any length of time until the brother's fourteenth year, when he went away to the Academy at Norwalk, Ohio, and after that they were little together during his preparation for college in Middletown, Connecticut, and his college years at Kenyon College, Ohio. But throughout this time they wrote regularly to each other; she took the deepest interest in all his studies; their devoted affection continued in their maturer life, and when her death parted them it left him with the sorrow of an irreparable loss."

The Middletown principal strongly urged that Rutherford should go to Yale; but in the family councils it was judged inexpedient. The necessary expense at New Haven, said the Connecticut dominie, including everything except clothing and

pocket money, would range from \$150 to \$200. That was in 1838. The frugality of the family life is indicated by the fact that so much as this could not well be spared, though it is probable that the wish to see the boy a little oftener than would be possible in that banishment, helped to fix his location as a student at Kenyon College. His preparation for college had been thorough, and he took up the work of the Freshman year with no sense of a burden. I must find room here for another bright paragraph from Mr. Howells:

"His fellow students of that day remember his overflowing jolity and drollery more distinctly than his ardor in study, though his standing was always good. Even in the serious shades of Middletown his mirthful spirit and his love of humor bubbled over into his exercise books, where his translations from Homer are interspersed with mock-heroic law-pleas from Western courts—evidently transcribed from newspapers—and every sort of grotesque extravagance in prose or rhyme. The increased dignity of a collegian seems to have rebuked this school-boy fondness for crude humor; a commonplace book of the most unexceptionable excerpts from classic authors of various languages records the taste of this time, and the reflections on abstract questions in young Hayes's journals are commonly of that final wisdom which the experience of mankind has taught us to expect in the speculations of Freshmen and Sophomores. They are good fellows, hearty, happy, running over with pranks and jests, and joyous and original in everything but their philosophy, which must be forgiven them for the sake of the many people who remain Sophomores all their lives. Hayes was a boy who loved all honest manly sports. He was a capital shot with the rifle, and he allowed a due share of his time to hunting, as well as fishing—to which he was even more devoted—swimming and skating."

At the first Christmas vacation he walked home—forty miles—in twelve hours; and after Christmas returned on foot to college through snow four inches deep. It was a vigorous lad of sixteen who could venture on a feat like that. It reminds us of Carlyle trudging from Annandale to Edinburgh, in his college days; and gives us a glimpse of the hardships undergone by

college boys of a day not very remote, in pursuit of education. The path is easier in these days; I wonder if the prize at the end of it is worth as much now as it was then? That discipline of heroic effort and heroic sacrifice—I wonder if anything in the great laboratories, and the great libraries, and the multifarious courses of instruction, quite makes up for the lack of that.

Young Hayes was a jovial comrade and a vigorous lover of out-door life, but he was a good student. His diary shows how seriously he takes himself in hand; how frankly he recognizes his own defects and foibles and sets himself to mend them; how eagerly he looks forward to the life before him. He is going to be a lawyer, and he sees that that means hard work; but he is not afraid of it. Political contests interest him keenly; he does not disguise from himself the fact that he may take part in them by and by, nor does he blush to own to himself that he has aspirations for service in this line. But there are a few sentences from this college boy's journal which possess great significance, for they contain the master light of all his seeing. "The reputation which I desire," he says, "is not that momentary eminence which is gained without merit and lost without regret;" and then he copies and adopts this golden maxim: "*Give me the popularity that runs after, not that which is sought for.*" It was the elder Pitt—the Great Commoner of England—who said that first, but hardly lived up to it. The Great Commoner of Ohio made the sentiment his own in his boyhood, and never swerved from it to the end of his life. He never held an office to which he asked any man to nominate him; he never wore an honor that was not freely conferred upon him. He could no more have been an office-seeker than he could have been a pick-pocket. Every instinct of his nature would have revolted at the suggestion that he enter the political field as a candidate and try to capture a nomination.

This might serve to indicate the temper and quality of this jovial-hearted, serious-minded, high-spirited boy. But there is another little sketch written by one who was in college with him that I must let you see.

"Hayes was the champion in college in debate, class-section,

and in the foot-path; cheerful, sanguine, and confident of the future, never seeing cause for desponding; was a young man of substantial physique; in my whole acquaintance I never knew of his being sick one day, and so free from any weaknesses as to seem indefatigable. His greatest amusements were fishing and chess. In company he was humorous to hilarity; told quick, pungent stories, many of which I remember with laughter to this day; took things as they came; used to laugh at the shape of our boarding-house roast beef, but still ate.

"I do not think he had many intimate friends. Those with whom he was intimate were, and still are, the best men of my acquaintance. I don't remember a single man with whom he was intimate but that has been successful in his vocation. * * * In his political labors I am sure he never entangled himself by promises, or by such intimacies as to bind him, but never shrank from tackling any subject or measure of policy when brought to him. He never walked around anything, but took it by the horns and shook it, or was shaken. I think him a square specimen of an Anglo-Saxon honest man, stubbornly square in his views; of simple ideas of life; that is, he had such ideas as would make him prefer heaping round measure of good to pretension and false appearances.

"The independence of his character was shown on commencement day at Kenyon. He was valedictorian, and I remember how grand he looked in my boy eyes, because he was not able to have splendid new clothes, and was independent enough to do without. That was the first impression made on my mind evidencing a pure, thorough self-sacrifice. I was but sixteen years old, and I think I see him now, with what we knew then as a box-coat with side-pockets, when all the rest were dressed in new black cloth frock-coats."

Any one with an eye for a man will detect one here, I think, in this twenty-year-old boy stepping out of college at the head of his class, with a dignity and force of character that doesn't need to borrow much from the tailor or the dancing-master. He is at the head thus far, and I don't think that we shall look for him in the rear at any point in the march.

From Kenyon he comes to Columbus, and here began, in

1842, his law studies in the office of Sparrow & Matthews, keeping his hold on the good literature all the while, and beginning, also, the study of German. After ten months of this private study, good fortune sends him to the Harvard law school, where the attraction, mentioned in his diary, was "the instruction of those eminent jurists and teachers, Story and Greenleaf." Rare, indeed, was the opportunity of personal contact with these giants of jurisprudence, whom the law student of to-day can know only through the desiccated medium of treatises and text books. The sketches of these two great characters, and of their methods of instruction, which we find in his diary, show how deep was the impression which they made upon his mind. To Story, especially, does he continually return, with notes of admiration for the versatility, the humor, the unstudied eloquence, above all the lofty ideality and conscientiousness of the jurist. It was much more than a good knowledge of law that he gained in this school—he gained, also, the confirmation and enlargement of all the best purposes of his life.

In the stimulating literary atmosphere of Cambridge and Boston his tastes are gratified; he hears lectures by Mr. Longfellow on literature; he listens to Mr. Bancroft, and President Sparks, and Richard Henry Dana; at the political meetings, where Webster, and Choate, and Winthrop, and John Quincy Adams are speakers, he is an eager and observant auditor. In 1844 his studies are completed; he is admitted to the bar, and begins the practice of the law in company with Mr. Ralph P. Buckland, in Fremont, then known as Lower Sandusky.

But the overwork of the last few years had told upon him, and there were grave signs of pulmonary trouble. He was compelled, very speedily, to give up all work, and to betake himself to the sunny South, where, with an old Texan class-mate, a few months of out-of-door life brought him perfect restoration. Returning, he paused for a few days at Cincinnati, and then determined to make it his home. Another law partnership was formed, and the young man sat down, his law books supplemented always by the best literature of the day, and waited for the coming clients. The young lawyer is apt to have plenty of time to review his legal studies; but not every young lawyer

finds so much recreation in other good books as young Hayes seems to have done. He was soon a member of a famous literary club of Cincinnati, including men like Chase, and Corwin, and Ewing, and Hoadley, and Stanley Matthews; and the meetings of the club were full of mental invigoration and refreshment. Presently, the clients began to arrive—not in troops, of course, but with encouraging frequency. A notable case that soon occurred was that of a poor, under-witted creature, Nancy Farrer, who had been made the dupe and tool of a fiend, and under his instigation had poisoned several persons. To her defense he was assigned by the Court. Mr. Hayes believed her to be mentally incapable of crime, and gave himself with all his energies to the task of saving her life. At the first trial she was convicted, but a writ of error was granted, and in the Supreme Court his plea was triumphant; the judgment of the court below was reversed; the prisoner was granted a new trial; but before that could take place an inquest of lunacy pronounced the poor creature insane, and she was sent to the asylum. This victory gave Mr. Hayes much reputation, and his practice soon began to increase.

It was about this time, in December, 1852, that he was married to Miss Lucy Ware Webb, of Cincinnati. Of a life that was full of felicities, this was the one most benignant fortune. Rarely, I suppose, has any wedded pair been more happily mated; each found in the other all that choice could compass or heart could crave; and the home set up forty years ago in Cincinnati came about as near to the ideal as we are apt to come in America. Many of you knew Mrs. Hayes, as I did not; and I will not attempt her portraiture. But the whole nation knows her as one of the noblest of our matrons, illustrious for her grace, her winning kindness, her lofty character; worthy to rank with Martha Washington and Abigail Adams, among the highest types of American womanhood. Rutherford Birchard Hayes was a pretty well-built man already, but this marriage brought him a great reinforcement. To such an influence as this his mind was open; and it is perfectly safe to say that to whatever was lofty in his aims or heroic in his endeavors the judgment of his wife gave confirmation and support.

In the Fremont campaign Mr. Hayes was an active participant, and a mourner, of course, at the Pathfinder's defeat. When the next campaign came on he threw himself into it with new ardor, and hailed the election of Lincoln as the beginning of the end. And when Sumter fell and the first call for troops was heard, his answer was prompt and clear. "Judge Matthews and I," so he wrote on May 15, 1861, "have agreed to go into the service for the war—if possible, into the same regiment. I spoke my feelings to him, which he said were his own, that this was a great and necessary war, and that it demanded the whole power of the country; *that I would prefer to go into it, if I knew that I was to be killed in the course of it* rather than to live through and after it without taking any part in it."

Soon a Colonel's commission came to him from President Lincoln—probably at the suggestion of Secretary Chase; but he sent it back; he knew he was not yet fit to lead a regiment; he would begin lower. Meantime he was studying Hardee diligently, and in a few weeks a Major's commission came to him from Governor Dennison, assigning him to the Twenty-third Ohio, whose Colonel was Rosecrans, and whose Lieutenant Colonel was Stanley Matthews. Two days later he was here at Camp Chase; and by July 25 the regiment, raw enough, doubtless, was on its way to West Virginia.

I cannot tell the story of that faithful and heroic service. It is enough to say that Rutherford Hayes proved himself a clear headed, capable officer, and a gallant leader of men. Cool and unimpassioned as he ordinarily seemed, he was a dashing leader of a charge, and his bravery on many a hotly contested field was amply demonstrated. Four times he was wounded—once or twice severely; but he never left the field while he had strength to stand. He never sought promotion, but his service demanded it, and the end of the war found him wearing the epaulettes of a Major General by brevet.

In the last year of the war, he was nominated for Congress while in the field, and somebody was so infelicitous as to propose to him that he get a leave of absence and come home and stump his district. "Your suggestion," he answered, "was certainly made without reflection. An officer fit for duty, who at this

crisis would abandon his post to electioneer for Congress, ought to be scalped. You may feel perfectly sure I shall do no such thing." He was elected, nevertheless; but he did not take his seat until the war was over, and his soldiers were mustered out of the service.

It was in December, 1865, that he first assumed the duties of Representative at Washington, and at once began, in his quiet, unostentatious way, to serve his country. As Chairman of the Library Committee, his care was given to the perfection of that great instrument of knowledge; "chiefly by his efforts the space and material were increased threefold." He made few speeches; to one who wrote urging that he add to the wordy deluge, he answered curtly: "I am disgusted at the shameful waste of time and patience the so-called orators of Washington make." Before the end of his term he was renominated by acclamation, and re-elected by a majority greater than that of any other candidate upon his ticket. But Ohio had other work for him, and much against his own will he was called out of Congress in 1867 to lead his party as its candidate for Governor in a contest with the strongest opponent in the State, our distinguished townsman, the Honorable A. G. Thurman. Victory in such a combat was surely a mark of distinction. In 1869 he was renominated, again by acclamation; and again was successful against no less an antagonist than the Honorable George H. Pendleton. At the close of this period he returned for four years to private life; when he was again, after the most positive refusal to permit the use of his name as a candidate, dragged from his retirement in Fremont, and elected for the third time Governor, this time over another very strong opponent, the Honorable William Allen. It was this victory that made him President. His reputation had by this time become national; the people of the nation had come to understand something of his straight-forward honesty and devotion to principle; and although there were presented to the Convention of 1876, quite a number of names of gentlemen who had claims upon the office, and who had compassed sea and land, to secure the nomination, the one man who had not lifted his finger to gain it was chosen in their stead.

Of the painful contest which finally put General Hayes in possession of the Presidency, it is not fitting that I should speak in this place, at any length. For many months the result of the election was left in doubt, and party passion was so inflamed that there was danger of revolution. Opinions formed under such circumstances are not apt to be judicial; and it is not easy for men on one side to get the point of view of their opponents. President Hayes has been bitterly censured, by a few persons, ever since that day, for accepting an office which was tainted with fraud. For my own part, with the most sincere desire to preserve in the whole controversy a judicial frame of mind, and with grave doubts, all the while, as to whether his election was beyond question, I thought at the time, and have always thought, that General Hayes did exactly what he ought to have done; that his good sense and his patriotism were never more manifest than when he accepted, without hesitation, the office by law conferred upon him, and proceeded without faltering to discharge its duties.

It must be remembered that the question of the real rights in this case was a very difficult one. On one side the suffrage had been tainted by stupendous fraud; on the other it had been perverted by shameful violence. Which was the greater wrong, I do not believe that an archangel could have told. But, after anxious days, the Congress had determined upon a method by which the dispute should be settled. The tribunal thus created was certainly a legal tribunal, the highest in the land. By that tribunal the office was given to General Hayes. What could he do but take it? To refuse it would have been to invite revolution and anarchy.

I beg to quote, in this connection, what I wrote and published at the time respecting this unhappy business: "To prove that one of these candidates is not entitled to the electoral vote of either of these States is not to prove that the other candidate is entitled to it. The election was vitiated in several States by fraud and intimidation. And it would be difficult for a perfectly unprejudiced judge to determine which of the two candidates had the better moral right to the office.

"When, therefore, it is demanded that Mr. Hayes shall

resign because his title to the Presidency is tainted with fraud, the question arises whether anybody has a better title. Doubtless the irregularity of this process by which he was put in power has greatly distressed him, as it has distressed all patriotic citizens. But the last election was, in fact, no election. Who was rightfully the President it was impossible to determine. Somebody must be invested with the office. And the Congress at length agreed upon a plan by which the matter should be settled. By that plan Mr. Hayes was designated. His legal right to the office is as good as the National Legislature and the Supreme Court can make it. His moral right is as good as that of Mr. Tilden, and better than that of anybody else."

This statement may not express the opinions of all honest men; but it expresses the opinion of one who tried hard to see the rights of the case; and I have no doubt that this was substantially the view which President Hayes took of the situation. That his acceptance of the Presidency was regarded by him as a patriotic duty, nobody who knew him could question.

The only utterance of his during that exciting controversy was a private letter to Senator Sherman, afterwards published:

"You feel, I am sure, as I do about this whole business. A fair election would have given us about forty electoral votes at the South—at least that many. But we are not to allow our friends to defeat one outrage and fraud by another. There must be nothing crooked on our part. Let Mr. Tilden have the place by violence, intimidation, and fraud, rather than undertake to prevent it by means that will not bear the strictest scrutiny."

It was not possible for Rutherford Hayes to say anything else but that, or to do anything which was essentially contrary to that.

How manfully he took up the duties of his high office, and with what patience, firmness, and courage he discharged them, there is no time now to tell. That the administration of Mr. Hayes was in all respects the ablest, the purest, and the most successful administration that this country has had since the death of Abraham Lincoln is an opinion for which I am prepared to give good reasons. The reins of government were placed in his hands at a time of the greatest difficulty; every influence was

hostile; his party was in a minority in both houses of Congress; his exasperated opponents were by no means loth to hamper and cripple him; and against all these discouragements he steadily carried forward his administration on firm lines of well-chosen policy until he had won the confidence of the whole American people. "The President," says one biographer, "found the country greatly agitated by antagonisms and alarms; its currency debased; its industry and trade depressed, and its credit unsettled, and subject to the issue of an existing crisis unprecedented in its bearings. He left it at peace in all sections, with a currency unequalled in stability and abundance; with industries and trade in all branches at the maximum of healthful activity, and with the public credit higher than ever before, at home and abroad, and second to that of no other nation."

One of the most distinguished supporters of Mr. Tilden was Charles Francis Adams, Jr. After the close of the Hayes administration, Mr. Adams, speaking at a meeting of the Reform Club in New York, volunteered this testimony:

"President Hayes was no choice of mine. I did not vote for him. I never considered him honestly elected, though he was legally inaugurated. Still, by-gones are by-gones, and as a fair-minded man I gladly and publicly concede that President Hayes's administration, taken as a whole, has been no less honorable to himself than creditable to the country. It has been cleanly and honest and of good repute. That, in some respects, it has fallen short of its own great promises, is apparent to all the world. But that is of course. It could not have been otherwise, for it promised the impracticable. Taken as a whole, however, it has been an administration which will bear comparison with the best and purest of those which have preceded it, and it is an administration which the great mass of those who mind their own business would be glad to have continued for the next four years."

The friends of President Hayes can afford to let a sober verdict like that stand as the sufficient answer to the vilification of those creatures who pursued him with their malice while he lived and now crawl forth to spit their venom on his new-made grave. There is a class of miscreants in whom a character like

that of Rutherford B. Hayes awakens an instinctive antagonism. Their abuse is the unfailing meed of every honorable character. They are as sure to fly into a passion at the sight of a good man as the devils were to cry out when the Man of Nazareth appeared. One of the highest credentials of Mr. Hayes to the possession of an unsullied character is the fiendish malignity with which in certain quarters he has been pursued and assailed.

Let me seek, now, in a few closing paragraphs, to set forth what seem to me the elements of his greatness.

And first, I would name the simple dignity and manliness of his habitual conduct. There was no surplusage of manners; there was always just the simple, sincere, unpretentious gentleman. "Nor does he," said one who knew him well, "wear a smirking face, as if he were a candidate for admiration; but a fine sunny countenance, such as men and women respect and children love. He doesn't run to meet you, and call you 'my very dear sir!'" He takes you by the hand, with a cordial kindness which recognizes the universal brotherhood of man, and impresses you that he is a man who gets above nobody, and nobody gets above him." An old citizen of Columbus, who has always been radically opposed to President Hayes in politics, said yesterday: "I have always loved Hayes, ever since he was here in the Governor's office. I was a clerk in one of the departments in the State House then; and whenever he wanted any information in the office, instead of sending a messenger, and ordering somebody to hunt it up for him, he was apt to come round himself, and sit down by the clerk, and look matters over with him, in a perfectly friendly, unpretending way. He put on no airs because he was Governor; he was just a man like all the rest of us; and I formed a very strong personal attachment for him."

His sturdy independence is next to be noted. No man ever stood more squarely on his own two feet. He would take no favors that cost him any sacrifice of manhood. He was ambitious; no doubt about that; from his youth he cherished the hope of winning honor from his fellow men, but he meant to win it by deserving it, not by scheming for it. He never asked for a nomination; never winked an eyelid to secure one. When, after his third election to the governorship, the people of Ohio

began to couple his name with the Presidency, he gave himself no concern about it. "No man," says Mr. Howells, "could hear himself much talked about for the chief place in a nation like this without feeling some share of the popular excitement, but no man was less capable of pushing himself for such a place than Hayes. We have seen many letters of his, written during the period when the movement in his favor was gathering strength and form—and they all point to the fact that, while he was not indifferent to it, he was firmly resolved to have nothing to do with it. In one of these letters, shown us by his correspondent, he wrote: 'I am not pushing, directly or indirectly. It is not likely that I shall. If the sky falls we shall all catch larks. On the topics you name, a busy seeker after truth would find my views in speeches and messages, but I shall not help him to find them. I appreciate your motives and your friendship. But it is not the thing for you and me to enroll ourselves in the great army of office-seekers. Let the currents alone.'" "I can do nothing," he wrote to another intimate friend, "to aid myself." And then, in allusion to reports that he had entered into alliance with certain politicians, he says: "The truth is, I am in no way complicated, entangled or committed with the parties you name or anybody else." I suppose that no President, for the last fifty years—perhaps no President since Washington—has gone into office so absolutely free from obligations as he was. When his cabinet was announced, that fact was evident. Nothing was ever plainer than that that cabinet was made by one hand, for one purpose—not to pay debts, not to please the politicians, but simply to give the country a good administration.

Closely related to this trait of independence was his calm self-reliance. He knew himself, and he knew that there was one man in Ohio who could be depended on. He knew his powers, and was assured that they would not fail him. He knew his purposes, that they were unselfish, honorable, worthy of realization, and he expected to realize them. In his diary, while the discussion was going on about his candidacy, these words were written: "With so general an impression in my favor in Ohio and a fair degree of assent elsewhere * * * I have supposed

that it was possible I might be nominated. But with no opportunity and no desire to make combinations or to lay wires, I have not thought my chances worth much consideration. I feel less diffidence in thinking of this subject than perhaps I ought. It seems to me that good purposes and the judgment, experience and firmness I possess would enable me to execute the duties of the office well. I do not feel the least fear that I should fail." There isn't a grain of conceit about that, but it is a man that you hear talking.

His faith in principle was also perfect. The right is for him the expedient—the thing that ought to be done, can be done; it is, after all, the easiest and safest thing to do. It was this that made his choice so clear and his counsels so unflinching in the days when financial follies had become epidemic.

And, finally, the one comprehensive word which sums up his highest and strongest qualities as a public man is patriotism. This takes your thoughts, perhaps, to the tented field—to the bivouac and the march and the battle; and it took him thither, beyond a doubt, and made of him a soldier of whom Grant said: "His conduct on the field was marked by conspicuous gallantry, as well as the display of qualities of a higher order than mere personal daring." But the patriotism of General Hayes was not consummated when he tore off his shoulder-straps and unbuckled his sword. The best of it, the bravest of it, was yet to come. The patriotism of General Hayes was love of country, of the whole country—not of any section—though he was proud of his own commonwealth; not of any party—though he was a loyal Republican—but of the whole land, the whole people. There are plenty of men to whom patriotism is a mere sentiment; the only motive that really moves them in public affairs is love of party. To that their real loyalty is given; their conduct abundantly shows that they would rather see their country suffer loss at the hands of their own party than prosper at the hands of their opponents. No matter how beneficent a measure may be, it shall not prevail if they can help it, unless their party can hold the offices. The other party they count as the enemy; it is the word by which they uniformly speak of it; it is the conception under which they always think of it. Their political

plans stop short, therefore, with the promotion of the success of their own party; the other half of their fellow citizens are practically aliens. Now this is not the spirit of patriotism. No thorough-going partisan can claim to be a patriot. He is a kind of semi-patriot, a lover of half his country; and even as a half-truth is the worst sort of a lie, so this intense partisanship which makes a man think of his political opponents as enemies, is the root of the most pestilent political immoralities. Now President Hayes was a man who, although a loyal supporter of his own party, never lost sight of the fact that his primary obligation was to the country, and not to the party. He would not sacrifice the public interest to the interest of his party. To him party was only an instrumentality, not an end; he would use it just so far as he could make it serve justice and righteousness, no further. When he saw that parties were coming to exist mainly for the sake of holding the offices he struck at that vice with all his strength. "This system," he said, "destroys the independence of the separate departments of the government; it tends directly to extravagance and official incapacity; it is a temptation to dishonesty; it hinders and impairs that careful supervision and strict accountability by which alone faithful and efficient public service can be secured; in every way it degrades the civil service and the character of the government. It ought to be abolished. The reform should be thorough, radical and complete." He did what he could to secure this end. And he determined to take the stumbling blocks out of his own path. "Believing," he said in his letter of acceptance, "that the restoration of the civil service to the system established by Washington and followed by the early presidents, can be best accomplished by an executive who is under no temptation to use the patronage of his office to secure his own re-election, I desire to perform what I regard as a duty, in stating now my inflexible purpose, if elected, not to be a candidate for election to a second term." He said it and he stood by it. Nobody who knew him had any doubt that he would do so. Congress sneered at his proposition to reform the civil service and refused to make any appropriation by which the work could be carried on; but in spite of Congress he introduced the reformed methods into some of the most important offices;

and when he believed that certain high officials of his own party were using their patronage to reward political workers, he incontinently turned them out and told their successors that the offices must be conducted on strictly business principles. He had done what he could in the same direction when he was Governor of Ohio. In one of his inaugural addresses he strongly urged that our State institutions be put upon this basis; that officers and employes should be appointed on business principles and not as a reward for political activity. "When he was Governor," says Mr. Howells, "he was importuned by old and dear friends to turn out the Democratic State Librarian and give the office, one of the few in the Governor's gift, to a most worthy and competent Republican. He refused. "The present incumbent," he wrote, "of the librarianship is a faithful, pains-taking old gentleman with a family of invalid girls dependent on him. His courtesy and evident anxiety to accommodate all who visit the library have secured him the endorsement of almost all who are in the habit of using the books, and under the circumstances, I can not remove him. Old associations, your fitness and claims draw me the other way, but you see, etc., etc. Very sincerely, R. B. Hayes."

It is in this determination to keep the claims of party subordinate to the interests of the whole public that I discern the keynote of President Hayes's patriotism. That famous phrase of his inaugural in 1877, "He serves his party best who serves his country best," illustrates his divergence from the common run of politicians. How impossible it is to get that conception into the mind of the average political leader. And yet how bright the maxim shines in the light of President Hayes's example. No recent President was less of a partisan; none was so successful a political leader. He found his party in the slough of despond, and he left it on the heights of victory. And this he did by simply ignoring all schemes of party aggrandizement, and giving himself, with a single eye and a resolute purpose, to the service of the whole country.

What he did for the pacification of the South was done upon the same principle. He had helped to conquer the South; but he was man enough to see that the era of subjugation must come

to an end; that the South must be free to govern itself. Therefore he pledged himself, in his letter of acceptance, to put forth his best efforts "in behalf of a civil policy which will wipe out forever the distinction between North and South in our common country." That promise, also, he kept. The South was pacified. No ideal condition of things was realized in that quarter; but a great political improvement took place. The negroes certainly fared no worse than they had done under the policy of repression; the temper of the Southern people was marvellously improved, and the new era was well begun. So perfect was this work of peace, that the Southern question, which for a quarter of a century had been the burning question of our politics, was not mentioned in the first message of President Hayes's successor. What a triumph of statesmanship that was, let the future historian tell.

With the even mind of the man who has performed great duties manfully, and borne great trials uncomplainingly, President Hayes laid down the burdens of office in March, 1881, and turned his face homeward. Malignants among his opponents followed him with their curses; the spoilsmen of both parties barked at his heels, of course; the men whose interest in politics was mainly selfish all hated him with a cordial and justifiable hatred, and never lost a chance to revile him. The dispraise of such men is a decoration. Woe to you when they speak well of you! The President bore to his home the grateful assurance that the men to whom office is simply plunder owed him no good will. But he carried with him, also, the respect, the honor, the affection of the great body of honest people of both parties.

To his old neighbors in Fremont, who greeted him on his return, he said:

"The question is often heard, 'What is to become of the man—what is he to do—who, having been chief magistrate of the Republic, returns at the end of his official term to private life?' It seems to me that the answer is near at hand, and sufficient: Let him, like every other good American citizen, be willing and prompt to bear his part in every useful work that will promote the happiness and progress of his family, his town, his state and his country. With this disposition he will have work

enough to do, and that work of a sort which yields more individual contentment and gratification than belong to the more conspicuous employments of the life he has left behind." Manly words are these; but what luster his life since that day has shed upon them! How modestly, how patiently, how industriously he has given himself, in the last dozen years, to all kinds of work. To the wise dispensation of great charities, to the study of the conditions of the dependent classes—more especially to the great cause of education in all its phases, he has consecrated the ripeness of his wisdom, the maturity of his manhood. Few men in this land have done so large an amount of unremunerated service. "I thought," he said to me a year ago, as he paused on the threshold of my study, "that when I laid down my official cares I should have a tolerably easy life; but I have been kept about as busy for the last ten years working for other people, as I ever was in my life. And I don't deny that I enjoy it." To our own university the service that he has rendered has been invaluable; the loss that it has suffered in his death it is not easy to compute.

President Hayes was reticent, I judge, about his religious experience. He was brought up in the Presbyterian church; with his wife, while she lived, he was a constant attendant upon the Methodist church; I do not know that he formulated for himself any creed; he was content, probably, with a very short statement of some of the fundamental truths of religion. He was profoundly interested in the truth which constitutes the heart of all faiths; and he was a sympathetic and appreciative listener in the house of God. He asked me, not long ago, if I knew a certain minister of our own communion. I replied that I had known him from his seminary days. "Well," he said, "I heard him preach last Sunday at Brattleboro, Vt. And it was a very fine sermon. You know," he added, with a humorous twinkle, "we always think that a man who agrees with us is an able man. But the text of this sermon was a striking one: 'The Second is Like Unto It.' That was all there was of the text; but it was enough, I assure you, to furnish the foundation of a very strong discourse."

I could easily believe it. "The second is like unto it,"—*equal* to it. It is what our Master says about the second great commandment of the law. The first great commandment is "Thou shalt love the Lord thy God with all thy heart," the second is like unto it—equally binding, equally fundamental, equally religious. "Thou shalt love thy neighbor as thyself." The fact that had made its impression upon the President's mind was the equivalence of these commandments. That indicated his hearty recognition of both of them. But I suppose that if he had been challenged to confess his faith, it would have been uttered in the words of the beloved apostle: "He that loveth not his brother, whom he hath seen, how can he love God whom he hath not seen?" And if the word of that apostle is true—that "every one who loveth is begotten of God and knoweth God," then the unselfish ministry of the last ten years would prove that the first great commandment was also the law of his life.

It is not easy to convince our hearts that this good friend of ours is not to be seen among us again. He was wont to come frequently; it was good to hear of his arrival; it was pleasant to meet him in the street; there was always a little more courage for work after we had looked for a moment into his face. Here was a man, we said to ourselves, who has lived. What an answer is his life to the plea of the mercenary politician that success is impossible to the unselfish patriot! Who among all these schemers and tricksters will ever reach the height on which this man stood—

"Who never sold the truth to serve the hour
Nor paltered with the Eternal God for power!"

But he has passed. And what remains to us is the memory of a clean-handed, clear-minded, simple-mannered, great-hearted man, and the faith which his life has quickened in our hearts, that

"All good things await
Him who cares not to be great,
But as he saves or serves the State."

He has gone. "The good gray head that all men knew," will not again be seen in our assemblies.

"No more in soldier fashion will he greet
With lifted hand the gazer in the street.
O friends, our chief state-oracle is dead:
Mourn for the man of long-enduring blood,
The statesman-warrior, moderate, resolute,
Whole in himself, a common good.
Mourn for the man of amplest influence,
Yet clearest of ambitious crime,
Our greatest, and with least pretense—
Great in council, and great in war—

* * * * *

Rich in saving common-sense,
And as the greatest only are
In his simplicity sublime."

A DESCRIPTION OF FORT ANCIENT.

WARREN KING MOOREHEAD.

The members of the Society, and also the readers of *THE ARCHÆOLOGIST* have a special interest in the earthworks and enclosures of the Mississippi Valley. The former are proud to be possessors and preservers, in company with the State of Ohio, of the most extensive prehistoric fortification of the United States. The latter, as students of antiquities, are interested in facts obtained through explorations of the place. Both members and readers have seen some of the numerous references to the enclosure which have appeared from time to time in books, magazines, and newspapers.

Although I have done work covering more than forty-three weeks ('88, '89, '90, '91) at Fort Ancient, and published two books containing detailed descriptions of the place, its peculiarities, etc., I have never attempted a condensed report of the discoveries. At the request of the Secretary of the Ohio Archæological and Historical Society, I shall now endeavor to present in brief form all that is known regarding Fort Ancient, its builders, their culture, etc. I shall use all the material collected by others as well as by my own surveys from the time of the first mention of the place in 1809 up to February 1, 1895. In such a synopsis, it is necessary to confine myself to conclusions and general statements. There is not space for the details of burials, the nature of ash-pits and notes on the village sites, etc.

Archæologists agree in considering the enclosure of defensive character. Placed, as it is, on a high plateau overlooking the Little Miami River, in central Warren county, Ohio; guarded by precipitous ravines, made strong and steep, walled up in places with large stones, it was a veritable ancient Gibraltar! One may truly say that Time, recognizing its importance and interest to Archæologists, has dealt gently with it, for the walls are in good condition and the entire erosion (of the last seventy years) is less than 300 feet out of 18,712 feet of embankment.

So it is in good form for study, the walls being somewhat broader and lower than as left by the aborigines, the moats or ditches filled nearly to the level, but the general features of the place remaining as they were.

A structure covering one by one-third miles (approximately) is rather large to be described under one name. To avoid confusion, the southern part has been named Old Fort, the narrow or central portion, Middle Fort, and the large northern section, New Fort. These names and their application will be understood at a glance by means of my large folder map, which will appear in the April number. The distance around Fort Ancient (on top of the walls) is three and two-thirds miles; the space enclosed about 126 acres; the wall varies from 4x20 feet to 33x256 feet.* The average is 12x50 feet. In the main, the embankment resembles the heavy grading of a railroad bed. If the four illustrations presented† are examined readers will observe the massive character of the walls.

The embankments are largely of earth, although stones are numerous here and there. It has been well said that the fort is rather like North and South America in contour, and one is impressed thereby. However, on more careful inspection, you observe that it is the configuration of the site that produces the resemblance and not design on the part of primitive man. Ravines, flanking the fort on every side save the north, twist and turn making great bends and angles. Following the edge of these, the walls must be as crooked themselves.‡ The site is a strong one and was selected because of its strength.

At the time of completion, the walls probably averaged twenty feet high and were surmounted by strong palisades. A ditch or moat four to seven feet in depth extended around inside the enclosure in the Old Fort, and part of the way in the new. In the Middle Fort, there was less than 200 yards of moat. Why? Because the Middle Fort or isthmus is only two or three

*This includes two mounds measured from an artificial ravine at the Great Gateway, Middle Fort.

†From "Fort Ancient," by W. K. M., Cincinnati, Robt. Clarke & Co., 1890.

‡The larger hollows are more than 200 feet in depth.

hundred feet wide, and is flanked by deep ravines on either hand. The walls are strong, and there was hardly necessity for a moat.

The material used in the construction of the embankment is chiefly surface loam and clay, although some glacial clay and gravel enter into its composition. The stones used to face the exterior of the wall to a height of four or five feet, are large limestone slabs, 2x3 feet or 18x25 inches. They were laid without cement. Some very large slabs seem to have been used to prevent the edge of the wall from washing into the ravine. We find many of these stones several yards within the present edge of the embankment. Originally they marked the edge of the embankment and the earth which now covers them has been washed down from above. A study of these and their position gives us an idea of the width and height of the original embankment.

Within the enclosure are two village sites. That one in the Old Fort seems to be the largest. It was occupied for several seasons. When the ground was first plowed circular depressions marking the sites of large lodges 30 or 40 feet in diameter were observed. There were several dozen of these. They were strangely like Mandan lodges of the Upper Missouri, and seemed to have been constructed of poles covered by a thick coating of clay. In the New Fort, the village site is but slightly marked, and seems to have been occupied for a brief period of time. There are few traces of these large circular lodges.

On many of the ravine sides, especially around the Old Fort, are artificial terraces 15 to 30 feet in width. These terraces are 150 to 200 feet from the walls above, and are marked by graves, ash heaps and camp sites. Their use has long been a matter of conjecture. Not only are they found about Fort Ancient, but for some distance up and down the Little Miami Valley, and for two miles along Caesar's Creek (a tributary to the Miami and not far from Fort Ancient) they extend. At one point there are two terraces, one of which is half-way between the embankment and the Little Miami River; the other being near the wall, as previously stated. The bodies in the stone heaps upon the terraces and the relics found thereon, seem to in-

dedicate a different tribe. There is quite a diversity between the specimens, methods of interment, pottery and crania of the terraces, and of the village within the walls. This difference I will refer to in detail presently.

On the banks of the Little Miami River, less than half a mile from Fort Ancient is a large village site. The graves and the relics indicate that the same tribe who lived within the enclosure, also resided upon the banks of the river. The river site is much larger, covering fully 100 acres of ground, and extending through the soil to a depth of four feet. It was occupied for a considerable length of time.

Several sites of camps are found upon the plain east and north of the northern extremity of Fort Ancient. Several of these are marked by quartz arrowheads from the South and other foreign material.

There are many fortifications in the Ohio Valley of the same general character as Fort Ancient, only varying in size, being smaller. There is still some argument as to whether the enclosures of the plain are different from those of the hill-tops. The great works at Newark, those in the Lower Scioto Valley near Chillicothe, and generally throughout the Mississippi Valley, are thought by most Archæologists to be simply defensive works. The embankments are usually the same, the ditch is invariably on the inside instead of upon the exterior. The chief difference lies in the rectangular, circular or square embankments which are frequently associated with the enclosures of the Valley. These peculiar geometric works, although frequently described and studied, have never been satisfactorily explained. Dr. Peet and others have thought them to be of religious or ceremonial significance. Several have advanced the opinion that in these peculiar figures were conducted games and festivities. None of these explanations satisfactorily solve the problem, and we have no positive knowledge as to the purpose of such unique enclosures. I need only remark that the theory that they were used for games, etc., is visionary, and there is not the slightest foundation for the statement in facts. Caleb Atwater very aptly remarked, as early as 1820, that no people of sane minds would perform the labor necessary to build an embankment of earth

eight or ten feet high and twenty feet wide, and enclosing (as these works frequently do) twenty or thirty acres for mere sport. We have had entirely too much speculation. If some of the enclosures were excavated as carefully as the Turner group, the Hopewell group, Madisonville Cemetery and the argillite chipping shops (site of supposed paleoliths) of Trenton, N. J., or the Serpent Mound, we would know nearly all about the purpose of their erection. It might be accepted that all the hill-top works, save, of course, the effigy structures, are defensive in character. A trace of palisades upon some of the hill-top fortifications proves their use beyond a doubt. When we consider that the Miami Valley contains a great many village sites, mounds and small enclosures, and that Fort Ancient is the only really strong position of them all, we can readily believe that the aborigines, for a radius of thirty or forty miles, would flock to this rendezvous and use it as a common fortification.

Reference to the map will show that there are several mounds and a crescent within the walls. It will also be observed that the parallel walls which begin at two large mounds, just east of the fortification, or where the Lebanon and Chillicothe pike cuts through the embankment, include between them a stone pavement some 200 feet in length and 40 or 50 feet in width, or it may be larger. The exact measurements are unknown. I once stated it to be 500 x 130 feet, on the authority of a certain gentleman, but I now think that measurement exceeds its actual size. These parallel walls run for 2,760 feet north-east, and enclose at their terminus a small mound. It was thought that this mound was of particular significance, and that its exploration would reveal much of importance. The mound was opened for the World's Columbian Exposition, in 1891, and with the exception of a few decayed bones, nothing whatever was found in it. There was not even an altar, barely a streak of burnt earth. Excavations made at various points along the ground covered by the parallel walls also revealed nothing. The purpose of these walls must remain a mystery. Whether they were used for games or for some religious purpose, we cannot say. That they could not have been defensive is apparent, because the embankments never stood more than three or four

feet in height, and were only 12 or 15 feet distant from each other. Cultivation obliterated them as early as 1860, and they can only be traced to-day by the sections preserved by fences, and by the discoloration of the soil in the fields. Twenty years from now it will be impossible for an Archæologist, and no matter how skillful he may be, to trace them.

The pavement is composed of stones varying in size from 6 by 8 inches to 10 by 15 inches. Part of the pavement is laid in a coarse sand or fine gravel, but most of it seems to have been laid roughly upon the blue glacial clay of the plateau. It is not so evenly and carefully constructed as the rough stone pavements of modern country villages of the same region. The slabs are of various thicknesses.

Through the Old and New forts, several small sections of pavement, varying from ten or fifteen to twenty or thirty feet in diameter have been found. These are quite irregular. They may mark the site of lodges, but as few tribes ever laid stone floors within their homes, this is hardly probable. Perhaps they represent ground prepared for the carrying on of certain ceremonies. Several men have made much of these small irregular stone pavements, but I am inclined to attach little importance to them. If they were so important to the aborigines and represented such important rites and ceremonies as some claim, certainly there would have been more care evinced in their construction. They evince no more skill than pavements of cobblestones laid by children of to-day.* They cannot approach the boulder mosaics made in some of the mounds of the Scioto Valley and of Wisconsin. The difference between the rudeness exhibited in their construction and the skill and energy displayed in the building of great Fort Ancient is very apparent. I cannot see that the pavements would be of any service for dances or assemblies. The surfaces are rough and would seriously interfere with the free movements of the feet. A level strip of ground beaten until the surface was hard and even, would form a much more convenient dancing place. Moreover, the pave-

* I have seen children while at play construct rude pavements several yards in extent.

ments are too small; and except at the beginning of the parallel walls, not fifteen dancers could perform at a time.

The surfaces of the small platforms show, in several instances, marks of fire. Pottery, bones and ashes have also been found about and between the stones. As stone hearths have been found at various points in the Little Miami Valley, it is not improbable that these pavements are simply paved fire places. Such a name is entirely in keeping with the village life of all American tribes, either *post* or *pre*-Columbian. The large pavement I shall leave for the speculation of Archæologists.

The mounds within the enclosure are all small. Only two or three of them contained badly decayed skeletons. The others seem to have been house sites, raised three or four feet above the surrounding plain. All of them have been carefully explored and the results were far from satisfactory. The mounds located before the gaps or gateways of the walls seem to have been built for defensive rather than burial purposes. Shafts sunk in parts of them revealed nothing.

In the Middle Fort, near the Great Gateway, are several more elevations which have contained human bones. The platform itself, leading from the Middle Fort to the Old or South Fort, has yielded a great many fragmentary bones upon exploration. There is a small mound immediately within the Old Fort and distant 15 or 20 feet from the inner slope of the Great Gateway, which, upon exploration, was found to contain hundreds and hundreds of fragments of badly-decayed human bones. A conservative estimate would place the number of skeletons interred in this tumulus at from 200 to 300. Many human bones have been found just beneath the loam along the backbone of the Middle Fort and along the terraces to the southwest of the Great Gateway. Great quantities of bones at this place seem to indicate that when attack was made upon Fort Ancient it was the point most hotly contested, and that the warriors of both parties were hastily buried. Several bones in which flint arrowheads were imbedded also strengthen this belief.

In the Old Fort there existed a village covering some fifteen or twenty acres. A part of this was used as a cemetery, and is so marked upon the map. Nearly all of the remains were badly

preserved, and so far as I can remember, only one skeleton was preserved in anything like good condition. The decomposition of the skeletons is due to the fact that they were buried only two or three feet deep and upon a hard bed of tough glacial clay. The water penetrating through the soil to the remains could not be absorbed and lay along the bones, causing their decomposition. On the other hand, the skeletons buried in the valley in sand or very porous earth, were well preserved, because all water easily penetrated below the level of the bones and left them comparatively dry. The burials in the village in the Old Fort were mostly in stone graves. These graves were not like those of Tennessee, hollow, but consisted of a head and foot stone and several stones at each side and one or two covering the remains. Often the body was simply buried in a narrow hole and several large limestone slabs laid over. There would from six to eight inches of earth intervene between the skeleton and the stones. None of the interments in the valley or in the Old Fort were accompanied by European relics. None of the stones were dressed, but were all rough, weather-worn limestone slabs, which were selected because of their size and shape. Many of the stones were eighteen to twenty inches wide and more than three feet in length. The graves in the Old Fort were much ruder than those in the valley.

The village site in the old fort is plainly marked to-day by pottery fragments, animal bones, flint chips, etc. When first plowed it plainly showed large circular depressions marking the lodge sites. The lodges seem to have been thirty or forty feet in diameter and strangely like the Mandans of the upper Missouri (1810-35). To make them, large saplings were firmly planted in the ground in a circle and bound together at the top, something after the manner of the modern tepee, only that the poles were longer and thicker. These were covered with interlaced vines or twigs and the whole coated with clay to a thickness of eight or ten inches. This gave a dome shaped lodge fifteen or twenty feet in height, and one which was strong enough for the inhabitants to run up to the top and inspect the surrounding country.*

* Four miles up the Little Miami I discovered more of these circular lodge depressions in July, 1894.

In the river bottoms, between the base of the hill and the Little Miami, was an extensive village. The illustrations of graves herewith presented show the form of burials. Most of the bodies were interred in groups of fifteen or twenty, and there was this peculiarity, that the adults seem to have been separated from the children. The children were found, with but one or two exceptions, in one cemetery, the adults in another. Another peculiarity was that the skeletons of men were absent from these graves in the valley, and that women and children constituted the entire interment.

There are seventy-one openings in the walls of Fort Ancient. These have been called "gateways" and, perhaps, there is no better term to be applied to them. Men familiar with modern fortifications can not understand why there should be so many of these gaps. Would not fifteen or twenty suffice for egress and ingress; does not seventy weaken the place? Certainly one-fourth of the number would have been sufficient.

If the walls of Fort Ancient were originally nearly perpendicular, the faces being burnt so that they would remain smooth and steep, the defenders could hardly ascend them for observation, they must have openings through which to observe the enemy, to shoot arrows, etc. I think that these numerous openings were used for such purposes, and that they were filled with logs and sharpened stakes to such a height that they would be as difficult of penetration as the walls themselves. Portions of the works in the gaps were so arranged that they could be removed when persons desired to pass in or out. As several of the ends of embankments upon either side of the gateways show traces of fire, it seems that the openings were filled with logs and stakes. Whether the occupants of the fortification, or those who assaulted it, burned the wooded gap protections, I am unable to state.

The water supply of the holders of the fort was fairly good. There are several graded ways leading down to springs upon the hill-sides, and during the night, in spite of the enemy, the inhabitants surely had opportunity to bring up vessels of water. Supplies of small and large stones, of a size suitable for throwing, abound at many points upon the wall. In case of a shortage

of ammunition, these could be used with effect upon the enemy. They would be especially destructive, as all approaches (save on the east) are up the sides of steep ravines.

At no place does the moat seem to be deeper than six feet, and the average is about four. I cannot say that the moat was filled with water. Excavations in it yield pottery, animal bones, flint implements and chips, and a few human bones. I cannot believe that the moat is a strong feature of the place, save on the east side, where it is placed without the wall. There it seems to add considerable strength to the place. But at the many points where it is within the walls, it seems to be positively a detriment rather than a help. However, there may have been good reasons of which we know not for this peculiar method of defense. As I have before remarked, the inside moat is a characteristic feature of all prehistoric works in this country. Traces of fire at many points in the ditches seem to indicate that they were not filled with water, and were used (for short intervals) as convenient places for camp-fires, etc.

A study of the village sites between Millgrove (one and one-half miles below Fort Ancient) and the mouth of Cæsar's Creek (five miles above) convinces one that the same tribe inhabited the whole valley. Save at Madisonville, nearly thirty miles down the river, no large body of aborigines seem to have lived long on one spot. Of all the sites near Fort Ancient, the one along the banks of the Little Miami, just above the hotel and railroad station (marked on map in the April number), and that one on Hiram Taylor's farm, near Cæsar's Creek, seem to be largest. There are nine sites, ranging from 12 to 150 lodges, in six and one-half miles of valley. Many people have failed to understand why there was not one large village in which all these scattered bands could be gathered together for mutual protection and support. It is contrary to the custom of savages to reside in large communities. Moreover, their dependence on fishing and hunting renders such existence extremely difficult. The greater the population of a village the further must penetrate the hunters, for game in the immediate neighborhood is soon killed or dispersed. Thus nine small villages, ranging for $6\frac{1}{2}$ miles along the river, would have a hunting territory of 30 miles north and south

and 20 east and west. The Madisonville people were large agriculturalists and depended more on their corn crop than upon the chase.

The exploration of the village sites indicates that the people lived largely by hunting and fishing. There is no evidence that they were agriculturists to the extent of the tribes in the Scioto Valley. Fewer pestles are found; the ash-pits and hearths of the sites are covered with bones of animals, fish, birds and reptiles of the following species: Bear, deer, elk, musk-rat, ground-hog, raccoon, squirrel, rabbit, wolf, wild turkey, wild duck, hawk, owl, quail, land and water turtles, blacksnake, catfish, gar, bass, sucker, pike, etc. There are broken bones, others which show evidence of fire and quantities which are highly polished. Long bones were split in order that marrow could be extracted; the burnt ones represent roasting or baking, the polished ones refer to boiling. Very few traces of charred corn have been found and the quantity can not compare with that dug from the pits at Madisonville. Muscles were largely eaten. The land tortoise, the deer, turkey and fish seem to have been favorite food. The shell of the tortoise is found every few feet through the refuse of the sites. Many of the slender bones of the smaller animals were sharpened and made into awls and perforators. A few harpoons of bone were found. The shell of the tortoise seems to have served as a drinking cup and sometimes as an ornament. Large and thick muscles were perforated, fastened to handles and used as hoes. Celts, arrow-heads, knives and spear-heads were like those found in other parts of the State. War points were more numerous than in the Scioto Valley.

At Oregonia several stone graves were found in the east slope of a mound, in the centre of the village site, upon the farm of Mr. Taylor. At the base of the mound were many skeletons buried in usual mound style, without being surrounded by stones. The objects found with them indicated that they were people who lived in the village occupying the same hill as the mound. Although the stone graves found in the mound were near the top and upon the side, what few relics lay with the remains were of the same rude character as those found on the site or in the bot-

tom of the mound. Nothing of modern manufacture was found with any of the remains, either in the mounds, upon the village site or in the graves.

The cranium shown in the illustration is a typical one from the village along the river opposite Fort Ancient. No perfect crania have ever been found within the fort itself, and therefore we must confine our observations to those from the village sites along the Little Miami. Dr. Cresson found some differences between the crania of Fort Ancient and those of the Hopewell group, but did not consider the variations very marked.* He observed the flattening of the tibia, and the olecranon perforation of the humerus in a great many of the skeletons exhumed, and also noticed many fractures and breaks in the long bones and that unaided nature had knit the bones together. He therefore concluded that the people had no knowledge of surgery or of the setting of bones. Of the graves in the villages, both above and below Fort Ancient, it seems that most of the interments are those of young persons. As I have remarked, the children and the adults were usually placed in separate groups or at either end of the same group. The ages of the persons in these graves seem to have ranged from mere children a few years old to adults of 30 or 35; but six or eight old people have been found.

It is somewhat surprising that no more interments, or evidences of village life have been discovered around Fort Ancient. When we consider the amount of labor and length of time necessary to erect such a stupendous work, we ask, what became of the people who built it? The life of the mound builders was such that but little evidence of their occupation would remain; their lodges and towns being composed of perishable material would soon be obliterated, but most of their implements and utensils were of stone, clay, shell and bone, which would preserve. Only a few hundred interments have been found, and the total population of the villages within the six and one-half miles of valley could not have exceeded three or four

* See Chapter 17, "Primitive Man in Ohio," pp. 217, 222, for measurements, percentages, etc.

thousand persons, if that many.* Many of the sites could not have been occupied by more than two or three dozen families.

I have never been able to satisfactorily answer this question in my own mind. If the builders of the place moved to a distance and carried their belongings with them, we would find but few traces of their occupation. Explorations seem to point that this is the correct solution of the problem. On the other hand, if a large body of people lived in one valley long enough to construct a work of the magnitude of Fort Ancient, would we not find thousands of ash-pits and interments, hundreds and hundreds of lodge sites, great quantities of pottery, implements, etc.? The various surveys of Fort Ancient have dug hundreds of holes in the level ground of the Old and New Forts. But a small amount of material has been found, compared with the extent of the place and the quantity which one would reasonably expect to discover. The same is true of the work in the village sites of Oregonia, and at the site in the valley alongside the fort. While many of the problems connected with the place have been solved, it is, at present, impossible for us to account for the discrepancy between the extent of the forts and the evidences of insignificant occupation which we find.

The irregularities in Fort Ancient are due to the natural configuration of the site, rather than to any effort on the part of man. Several gentlemen have made much of the bastians, or spurs, or "lookout stations" found along the edge of the ravines. Many of the points or spurs of land which are formed by the natural erosion, have been slightly rounded by the builders. But none of them were built up entirely from the bottom of the slopes.

While it is far from my purpose to claim extensive art, culture or foresight for the ancient mound builders, yet I must give them credit for having selected one of the strongest natural posi-

* Exclusive of large quantities of fragmentary skeletons and small pieces of bones at the Great Gateway and Middle Fort, I am therefore prompted to conclude the place *never was* occupied for a great length of time, but only temporarily, and that the people of thirty miles about resorted to it in case of attack, and that its care fell to those who lived nearest it.

tions in the State upon which to erect their fort. The aborigines of the Ohio Valley were primarily warriors, and this trait is apparent in their descendants, the modern Indians. While we must rate all pre-Columbian peoples north of the Cliff Dweller country as lacking in those essential requisites to civilization, viz., the use of characters to convey thought, the use of metal, the domestication of animals, the recognition of religion, morality, good government, etc., we must give them credit for the immense labor which they expended in defense of their homes, and their wonderful advance in the construction of fortifications. It seems incongruous that a savage people, as they undoubtedly were, had the ability to construct Fort Ancient, or the Turner and Hopewell groups, and yet have been utterly lacking in those evidences of civilization which I have enumerated. Thus we see that the ancient tribes of the Mississippi Valley present a unique spectacle for the consideration of the archaeologist. That is, while far behind the other races of the earth in general culture, they rank above the savage in their fortifications and enclosures.

We must regard Fort Ancient as representing the highest point attained in earthwork construction in the United States. It seems to be the crowning effort on the part of the ancient people of the Mississippi Valley. In point of construction, in engineering ability evinced in its make-up, it is primarily the most important, the strongest and most stupendous work which the country contains. And yet, while admitting so much, we are surprised that the builders left no copper tools or ornaments, very little mica, no obsidian, few sea shells, no pearls, no altars, and no valuable relics save those found on the surface. In works in Ross county, of far less magnitude, the most beautiful implements which the savage could manufacture have been found by the dozen. Those objects which represent foreign exchange and migration, and some progress in primitive trade, such as I have enumerated above, have been found in the Scioto Valley by the thousands. Many were excavated by Professor Putnam at the Turner group, twenty-five miles down the river.

As to the age of Fort Ancient, men have guessed as high as 5,000 years. There is no evidence trustworthy, save that two

forests have grown upon the embankments. Four hundred years are allowed on this evidence. Several trees, showing 340 to 430 rings have been cut. I once stated it be 800 years old, after our careful survey of '89, but that was merely an opinion and can not be verified save to the extent of 400 years. How far it exceeds the age of two forests no one knows.

As to supposed underground chambers there has been much printed. No Ohio tribes were able to cut rooms in solid rock, there could be no natural caverns, for caves do not form in the kind of limestone found under Fort Ancient. No person of scientific knowledge ever gave credit to the story and there is not the slightest evidence for it.

The illustrations will give readers an idea of the relics found on the surface about the enclosure.

In the foregoing papers it will be observed that I have strongly urged the careful and conscientious study of not only this important work, but also of other equally interesting and ancient fortifications of our valley. In this study we must admit all that savors of the charlatan and the ultra-scientific. We must consider simply facts. We must not be swayed by any false sentiment, by preconceived notions, by our personal prejudices. If we do this we will further the science of Archæology, whether we study Fort Ancient, or Fort Hill, or Fort Miami, or any of the great works of the Scioto Valley.

The papers which have been presented are, as was said in the preface of the first, but a brief resume. Space does not permit me to enter into a lengthy dissertation upon Fort Ancient. Much has been already printed regarding the place. I shall consider that my few pages have not been written in vain if I can correct some of the false and erroneous impressions which have prevailed. Considering the important part which it played in the history of prehistoric man in Ohio, acknowledging its position among the other enclosures of the Mississippi Valley, it is fitting that an Ohio society has bought and preserved it to future generations.

Two, and perhaps many more, forests have sprung into life, fallen, decayed and passed away since the last man connected with its construction left the place. Time has dealt gently with

it, and the embankments very nearly present their original form. Ohio people should appreciate this ancient, valuable legacy left us by our predecessors, and the study and preservation of other enclosures should be a characteristic feature of the Ohio Archæological and Historical Society. When I think of the many ages which have elapsed since Fort Ancient was deserted, when I consider that its strong embankments will continue when those of us who represent the Society to-day have long passed into oblivion, I am more and more convinced of the responsibility which rests upon us for the care of scarcely less imposing prehistoric monuments of our State.

PROCEEDINGS, REPORTS, ETC.

OF THE

SEVENTH, EIGHTH, NINTH AND TENTH

ANNUAL MEETINGS

OF THE SOCIETY

AND

ACCOMPANYING PAPERS.

MINUTES*
OF THE
SEVENTH ANNUAL MEETING
OF THE
Ohio State Archæological and Historical
SOCIETY,

Held at Columbus, Ohio, February 24 and 25, 1892.

The Seventh Annual Meeting of the Ohio State Archæological and Historical Society opened at the Board of Trade on the evening of the 24th inst., with an address by Hon. Benjamin Butterworth, Secretary of the Columbian Exposition. There was a fair sized audience. Admittance was by invitation. Among the prominent people present were Governor Wm. McKinley, Hon. L. B. Wing, Representative W. H. Dicks, T. Ewing Miller, Hon. L. N. Bonham, Hon. J. H. Bingham, S. S. Rickly, Prof. J. A. Shawan, Prof. H. A. Thompson, E. L. Hinman, Gen. John Beatty, and others. In the absence of Mr. F. C. Sessions, President of the Society, Gen. R. Brinkerhoff, Vice President, presided. He made some introductory remarks regarding the Society, its organization, objects, etc.

The Society was formed with a view to preserving for the State the prehistoric relics, which were going beyond its borders. Ohio, he said, was the richest in prehistoric relics of any State in the Union. There were over 10,000 ancient mounds, many of which had been despoiled of their treasures. In the museums

*The proceedings of the previous six annual meetings of the Society were published in Volumes I, II and III of the Society's publications—the last volume (III) of which appeared in 1891—reprinted in 1894.

of London, Paris, Berlin and other European cities were greater collections of prehistoric relics of Ohio than could be found in the State itself. Gen. Brinkerhoff lamented the failure of the Legislature to give the Society the recognition which its importance demanded. He hoped the General Assembly would provide a museum for its historical treasures. Other States of less historic prominence than Ohio had such museums. He knew of quite a number of private collections that were awaiting a suitable building to receive them. Gen. Brinkerhoff referred briefly to his proposition to erect a monument to Ohio's great men at the Columbian Exposition. The design, which had previously been described, consisted of a bronze statue of Cornelia, Mother of the Gracchi, representing Ohio, mounted on a granite pedestal, around the base of which would be grouped bronze figures of Grant, Sherman, Sheridan, Garfield, Chase and Stanton.

Arrangements had been made to project on a screen a large number of views of the World's Fair buildings at Chicago, which it was expected Major Butterworth would describe in his address, but Mr. Butterworth had prepared to speak on a different line. The views, however, were exhibited. The stereoptican was manipulated by Mr. J. A. McDowell. The portraits of a number of Ohio men, Grant, Garfield, Sherman, McKinley, and others shown, excited considerable enthusiasm, as did also the picture of the Ohio Building at the World's Fair.

Major Butterworth was introduced by General Brinkerhoff, and spoke for an hour. As a platform orator, he has few equals in this country, and he held the close attention of the audience from the first.

He referred briefly to the history and origin of the Columbian Exposition. Chicago, he believed to be the natural location for it. It was the most typical American city, and its location in the interior would give every foreign visitor an opportunity to see something of this great country. Chicago was, moreover, the great nerve center of the republic. Its enterprise had been the wonder of the world. Ten million dollars had been raised by its citizens for the exposition, and it would raise four million more. Chicago had religiously kept its faith with

Congress, but the undertaking had proved more enormous than anyone ever supposed. The buildings first planned were totally inadequate and new ones had to be designed. Thus, instead of \$10,000,000, it would require at the most conservative estimate, \$18,000,000 to carry out the plans for the fair. Chicago was looking to Congress for assistance. Paris, London and Berlin had their respective governments at their backs when they gave their great expositions, and yet that at Chicago would surpass even those. The reputation not only of a great city, but the government was now at stake. As Ohio had led in the movement to locate the fair at Chicago, Major Butterworth hoped it would now stand by that city. He urged the Legislature to express itself in such terms as could not be mistaken. Major Butterworth spoke of the magnitude of the exhibits proposed. Fifty-nine nations had accepted the invitation to send exhibits, and the visit of the commission abroad showed that the greatest interest was being taken in the fair. He defined the scope of the exposition, and pointed out the benefits to be derived from it by bringing together the greatest inventions, achievements and ideas of modern times, and diffusing a knowledge of the progress in the sciences and arts that would result in incalculable benefit. The exposition would be worth in an educational way alone every cent expended on it. Speaking of the State buildings, Major Butterworth said he had proposed the erection of one vast structure, where all States could have headquarters, but the plan did not meet with approval, as many of the States wanted separate buildings. They would be lost sight of on the grounds and few people would ever see them. The scheme of General Brinkerhoff for the erection of a monument to Ohio's great men, he thought was a good one, and hoped it would be adopted. The monument would attract more attention than all the State buildings.

At the close of the address, upon motion of Dr. H. A. Thompson, a vote of thanks was given Major Butterworth, after which the Society adjourned until 10 o'clock A. M. of next day.

THURSDAY, *February 25, 1892.*

The Society met in the State Library at 10 o'clock A. M.
The following members were present:

A. T. Holcomb.....	Portsmouth.
M. D. Follett	Marietta.
Israel Williams.....	Hamilton.
Henry Howe.....	Columbus.
J. A. Shawan.....	Columbus.
H. A. Thompson.....	Westervill.
Thomas Van Horne.....	Columbus.
L. N. Bonham.....	Oxford.
R. Brinkerhoff.....	Mansfield.
S. S. Rickly.....	Columbus.
A. A. Graham	Columbus.
L. C. Herrick.....	Columbus.
R. E. Hills....	Delaware.
E. T. Brandebury.....	Delaware.
Charles Parrott.....	Columbus.
William E. Moore.....	Columbus.
N. S. Townshend.....	Columbus.
J. H. Anderson.....	Columbus.
L. B. Wing.....	Newark.
George F. Bareis.....	Canal Winchester.
Thomas Moses.....	Urbana.

The President, Hon. F. C. Sessions, not being able to be present, General R. Brinkerhoff, Vice President, presided.

The Secretary read the proceedings of a meeting of the Committee on the Columbian Exposition, and Mr. Bonham, a member of that committee, read a detailed report of the same, presenting a copy to the Society. He said the matter was now in the hands of the Finance Committee, which he thought would probably appropriate \$4,000 or \$5,000. On motion, the report was accepted and approved. On motion of Dr. Thompson, it was decided to hold the next meeting of the Society at Chicago during the Exposition, at such time as the Executive Committee may select.

Mr. Graham suggested that the Society prepare for a celebration of the discovery of America in the public schools of Ohio on October 12 next. Superintendent Shawan, of the Columbus



EMBANKMENT CROSSED BY FENCE, NEW FORT ANCIENT, EAST SIDE.

schools, and also Dr. Thompson, favored the proposition, and on motion of the latter it was referred to the Executive Committee with power to act.

The Secretary spoke in relation to the publication of the fourth volume of the transactions of the Society. He suggested that the Society have the proceedings of the Ohio and Indiana Boundary Commission incorporated in the volume, and that so doing the General Assembly will agree to its publication, the book being printed the following summer.

On motion of Dr. Thompson, the above suggestion was approved and the matter was referred to the Executive Committee.

The following resolution, presented by Gen. R. Brinkerhoff, was adopted by the Society:

Resolved, That the Archæological and Historical Society heartily commend the proposition to represent the State of Ohio at the Columbian Exposition by an appropriation to carry out this plan, such group to be the property of the State, and to be at its disposal when the exposition shall close.

The report of Treasurer Rickly was read and, on motion, was accepted and adopted.

The following resolution was presented by Mr. Rickly:

WHEREAS, The correspondence of the Governor and military authorities of Ohio with the Government of the United States during the civil war is of great historical value, and is, it is understood, at present in the vaults of the State House, inaccessible for public use and in danger of decay, therefore,

Resolved, That a committee of three, of whom the Secretary of State shall be one, be appointed to investigate the condition of the papers and inquire into the feasibility of collecting, editing and preparing for publication, and report to the Executive Committee who shall have power to take such action with the consent and approval of the authorities of the State as may best serve to promote the design of preserving these papers and rendering them accessible.

On motion, the resolution was adopted, and S. S. Rickly, Daniel J. Ryan and W. E. Moore were appointed the committee.

On motion, a committee of three was appointed, consisting of Dr. Moore, Dr. Thompson and Mr. Bareis, to wait on the Governor and recommend the appointment of a member of this

Society on the Ohio Exposition Commission. The committee conferred with the Governor and reported that he informed them that there was no vacancy, but should any occur, he would consider the proposition of the Society favorably.

On motion of Dr. Thompson, a committee of three was appointed to make nominations for Trustees of the Society for three years ending February 17, 1895. Messrs. Rickly, Thompson and Williams were appointed. The committee reported the following nominations: Messrs. R. Brinkerhoff, R. E. Hills, H. A. Thompson, M. D. Follett, D. J. Ryan and Charles Parrott, the last named to serve out the unexpired term of R. W. Steele, deceased, who was elected to serve from February, 1891, until February, 1894. The report of the committee was accepted and, on motion, the rules were suspended and the Secretary was instructed to cast the vote of the members in favor of the names proposed.

A memorial of R. W. Steele, prepared by Miss Electra C. Doren, was presented by the Secretary and read by title. It was ordered printed in the Society's publications.

Upon the adjournment of the meeting of the Society a meeting of the Trustees was held, when the following officers were elected to serve one year from February, 1892, to February, 1893:

<i>President</i>	F. C. Sessions.
<i>First Vice President</i>	R. Brinkerhoff.
<i>Second Vice President</i>	W. E. Moore.
<i>Treasurer</i>	S. S. Rickly.
<i>Secretary</i>	A. A. Graham.

The following were elected as an Executive Committee:

F. C. Sessions,	S. S. Rickly,
W. J. Gilmore,	D. J. Ryan,
Charles Parrott,	Wm. E. Moore,
H. A. Thompson.	

The Board of Trustees is at present therefore as follows:

TERMS EXPIRE IN 1893.

Elected by the Society:

N. S. Townshend	Columbus.
E. C. Dawes	Cincinnati.
George F. Wright	Oberlin.
William E. Moore	Columbus.
Israel H. Harris	Waynesville.

Appointed by the Governor:

M. C. Read	Hudson.
E. B. Lockwood	Batavia.

TERMS EXPIRE IN 1894.

Elected by the Society:

* F. C. Sessions	Columbus.
George F. Bareis	Canal Winchester.
A. R. McIntyre	Mt. Vernon.
Calvin S. Brice	Lima.
† Charles Parrott	Columbus.

Appointed by the Governor:

A. C. Robeson	Greenville.
Chas. P. Griffin	Toledo.

TERMS EXPIRE IN 1895.

Elected by the Society:

R. E. Hills	Delaware.
M. D. Follett	Marietta.
H. A. Thompson	Westerville.
D. J. Ryan	Portsmouth.
Roeliff Brinkerhoff	Mansfield.

Appointed by the Governor:

W. J. Gilmore	Columbus.
Israel Williams	Hamilton.

* Mr. Sessions died March 25, 1892, and R. B. Hayes, Fremont, was elected to fill the vacancy October 19, 1892.

† Mr. Parrott was elected February 25, 1892, to serve the remainder of the term of Mr. R. W. Steele, Dayton, deceased September 24, 1891.

FINANCES.

The Society has received during the last year, from February 19, 1892, to the date of filing this report, December 26, 1892:

From active members, fees	\$ 330 00
From life members, fees.....	146 00
From book sales	12 00
From miscellaneous sources	8 00
From State appropriation	2,000 00
From deficiency appropriation	713 90
	<hr/>
	\$ 3,209 90

The disbursements have been:

Placed in Life Membership Fund	\$ 146 00
For deficiencies of '91-'92....	713 90
All other expenses: Salary of secretary, work on Fort Ancient Park, postage, express, telegrams, railway fare of secretary, trustees and agents, printing, and all other items	2,119 73
	<hr/>
In all.....	\$ 2,979 63
	<hr/>
Leaving a balance of	\$ 230 27

Which will be exhausted for the ordinary expenditures for the month of December. A detailed report of receipts and expenditures will be made at the close of the Society's year, February 19, 1893.

This detailed report was issued in a circular to the members of the Society. dated March 1, 1893, and was as follows:

RECEIPTS.

Balance on hand February 19, 1892.....	\$ 34 09
Seventy-two active members at \$5.00.....	360 00
Payments to Publication Fund.....	186 00
Sundry items	12 00
Deficiency appropriation	713 90
Annual appropriation	2,000 00
	<hr/>
Total	\$ 3,305 99

DISBURSEMENTS.

Trustees' note for deficiency and interest.....	\$ 622 87
Secretary salary January 1, '92, to February 19, '92 (not paid for want of funds last year).....	150 00
Secretary's expenses, travel, postage, etc., etc., from September 1, '91, to February 15, '92 (not paid for want of funds last year).....	123 92
For care, labor and improvements, Fort Ancient Park..	588 36
Salary secretary, 10½ months.....	1,050 00
Sundry items, travel and board	36 29
Transferred to Permanent Fund	130 00
Binding 200 copies Vol. III	67 25
Binding books and pamphlets.....	17 75
Expenses seventh annual meeting	51 70
Janitor and care of room and repairs, September 15, '91, to January 15, '92 (not paid for want of funds last year) ..	40 00
Same expense for 1892	94 25
Clerk hire, typewriting, etc.....	53 35
Job printing	34 96
Postage and telegrams	82 70
Freight and express.....	12 59
Trustees' expense	9 55
Cataloguing publications for State Library and for exchanges	18 90
Cash in hands of secretary and outstanding accounts ..	75 00
Profit and loss	22 50
Balance in treasury February 19, 1893 ..	24 05
Total	<u>\$ 3,305 99</u>

During the formal dedication of the Columbian Exposition grounds at Chicago, in October, 1892, by special excursion arrangements, many members of the Society were present in the city, and it was thought appropriate and desirable for the Society to hold a meeting in Chicago at that time. A special meeting was therefore called and met at the McCoy House, Chicago, Ill., October 20, 1892, at 9 A. M. Those present were:

R. E. Hills.....	Delaware.
Charles Parrott.....	Columbus.
W. J. Gilmore.....	Columbus.
C. E. Siocum.....	Defiance.
B. D. Hills.....	Columbus.
R. E. Stevenson.....	Columbus.
H. A. Thompson.....	Westerville.
T. Ewing Miller.....	Columbus.
Mrs. N. E. Lovejoy.....	Columbus.
M. C. Read.....	Hudson.
R. E. Smith.....	Columbus.
B. W. Arnett.....	Wilberforce.
John Dana.....	Belpre.
A. H. Smythe.....	Columbus.
E. L. Hinman.....	Columbus.
George F. Wright.....	Oberlin.
R. Brinkerhoff.....	Mansfield.
W. E. Smith.....	Hillsboro.
J. H. Outhwaite.....	Columbus.
A. A. Graham.....	Columbus.

The Hon. Judge Gilmore presided. The Secretary stated that the object of the meeting was to elect a Trustee in the place of the late Trustee and President, Mr. F. C. Sessions, who died March 25, 1892.

On motion, Hon. R. B. Hayes, of Fremont, Ohio, was nominated and elected as Trustee, to fill the unexpired term of Mr. Sessions. Whereupon the Society adjourned.

Immediately after the adjournment of the Society's meeting, a special meeting of the Board of Trustees was held, at which there were present, Messrs. Gilmore, Parrott, Read, Hills and Thompson. Judge Gilmore in the chair.

The chairman stated that the meeting was called for the purpose of electing a President of the Society, and for such other business as might be presented.

On motion, the Hon. R. B. Hayes was nominated and unanimously elected President of the Society, to serve the unexpired term of the late Mr. Sessions, viz., till February, 1893.

The question of the payment of the expenses of the Trustees in attendance upon the meeting arose, and was discussed at some length. The Secretary explained the condition of the funds of the Society, and stated that all moneys, property and credit of the Society were under the control of the Board of Trustees. Also that there was no rule touching the question. It had simply been the custom of the Society to pay the expenses of any committees, or of the Board when called to a special meeting. Pending this discussion, it was agreed to take a recess till 5 P. M. The Secretary and Dr. Thompson were directed to call upon Mr. Hayes at his room in the Grand Pacific hotel, and apprise him of his election, and request his attendance at the meeting at 5 P. M., to which time the Board had recessed.

The Board reconvened at 5 P. M., Mr. Hayes being present and presiding.

The question of the expenses of the Trustees was again discussed. The sentiment of the members present being that as the Board and its committees give their time whenever necessary their expenses should be paid. It was therefore, upon motion of Mr. Thompson,

Resolved, That the expenses of the Trustees in attendance on this meeting be paid from the World's Fair fund, upon properly approved vouchers.

Mr. Read then presented the question of a guaranty for return or loss of articles loaned for exhibition in the department of History and Archæology of Ohio at the World's Fair. He stated that it would be impossible to obtain many objects unless this guaranty was made. It was finally concluded that the Society could only in extreme cases give such guaranty, and then only on a specified amount. It was explained that after the exhibits were located in Chicago, they passed from the care of this Society to that of the Exposition authorities, over whom the Society could have no control. The following resolution was then adopted:

Resolved, That where necessary to obtain specimens to complete Ohio's exhibit in the Department of Archæology and History, a guaranty may be given for their return, or a payment for their value, should they be lost. But the credit of the Society in such matters should be sparingly

used and only given when necessary, and in amounts specifically stated when the specimens are obtained, and then only upon a fair and honest valuation; no extravagant or fictitious values to be considered.

There being no further business, the Board adjourned.

A. A. GRAHAM, *Secretary*.

MEETING OF THE TRUSTEES.

There was no eighth annual meeting of the Society held in 1893, as there should have been in February of that year. The purpose had been to hold this annual meeting and election of officers at Chicago, but when that was subsequently attempted, the question arose as to the legality of the Society holding such a meeting without the State of Ohio, and no meeting was held. The Trustees held over, pending the election of the successors of those whose time expired at this meeting. The Trustees, however, held a meeting in the State Library, Columbus, Ohio, Thursday, February 23, 1893, at 2:30 P. M. The following is a verbatim copy of the minutes of that meeting:

THURSDAY, *February 23, 1893, 2:30 P. M.*

Present, Messrs. Brinkerhoff, Moore, Follett, McIntyre, Bareis, Gilmore, Rickly, Williams, Hills, Thompson, Robeson and Lockwood. First Vice President Brinkerhoff in the chair.

Thomas B. Van Horne, Superintendent Fort Ancient Park, presented his report, accompanied by maps and diagrams, on which he explained the work done the last year, and his plans for the coming year. After a full discussion of the plans and his suggestions, they were approved and the thanks of the Board were extended to him for his work and his interest.

The Secretary of the Society, Mr. Graham, read the draft of a letter sent to the World's Fair Board of the State, relative to differences of opinion as to the expenditure of the fund for

the Ohio exhibit of archæology and history.* Mr. Alberson, Secretary of the Board, and Mr. Bonham, Chairman of the Executive Committee, were invited to be present and with the Board discuss the matter; their claim being that officials of this Society, who are State officials, could not be paid for services in this work. After discussion, in which they explained their position, the matter was referred to the Executive Committee with power to act.

The question of the improvements in Fort Ancient Park was again discussed. Mr. Van Horne, explaining his plans more in detail, which so far as the funds of the Society for this purpose would admit, were agreed to and approved.

The secretaries were instructed to prepare a statement as to what would be needed to complete the exhibit at the World's Fair in a creditable manner, and present the same to the State Board.

The Secretary made a statement of the general work of the Society and of its work in the World's Fair, and at his suggestion Mr. Thompson was elected Assistant Secretary with the same powers of the Secretary. The salary for this office to be divided between the Secretary and Assistant Secretary as they may agree.

The Secretary asked for a decision as to the number of Trustees necessary to constitute a quorum. After discussion, the Board decided that one-third of the entire number, seven members, should constitute a quorum for the transaction of business.

The election of a President of the Board, who by the laws of the Society should also be its President, was now considered. A lengthy discussion followed. The election of the Governor of the State was advocated by some of the members. An expression was manifested that some one who showed his interest by his labors in behalf of the Society should be chosen. The

* By mutual agreement it had been arranged that the Board of Trustees of the Society and the World's Fair Board of the State should co-operate in the Ohio State exhibit at Chicago. The Fair Board delegated to the Society the management of the Ohio exhibit of Archæology and History — the Fair Board to defray the expense of the same.

rules require that the office must be filled by a member of the Board of Trustees. After careful consideration, Mr. Brinkerhoff, one of the charter members of the Society, a member of the Board since its organization, and its First Vice President, was, in recognition of his fidelity to its interests, under suspension of the rules, upon the nomination of Mr. Gilmore, unanimously elected President.

The question of the annual meeting of the Society was then considered. It was the opinion of each member that the annual meeting should be regularly held each year as required by the laws of the society. The preference being that such meetings should be held in the winter as heretofore, subject to the order of the Executive Committee. The Secretary reported that at the last annual meeting a resolution was passed fixing the meeting for 1893 at the World's Fair, upon such date as the Executive Committee should designate. It was decided to rescind their action as relating to the annual meeting, and to refer the matter of a meeting at Chicago—should it be found expedient to hold one at the World's Fair—to the Executive Committee.

Mr. Robeson presented the Centennial of the Treaty of Peace, made August 4, 1795, by General Anthony Wayne with the Indian nations northwest of the Ohio River on the site of the town of Greenville, Ohio. He stated that the citizens of this town, his residence, were desirous that the event be suitably observed and requested the aid and co-operation of the Society. The Secretary stated that a resolution relative to this centennial, prepared by himself, at the request of the Representative from Darke county, was now before the Legislature. The matter was considered and the active aid and interest of the Society assured.

On account of sickness and the condition of his health, the Secretary was granted indefinite leave of absence.

The Secretary stated that a proposition had been made to furnish a model of Campus Martius, the fortified home of the first settlers in Ohio, built at Marietta in 1788, for the sum of \$40. Upon his suggestion, Mr. Follett explained the matter more fully, and was, after consideration, authorized to have the model made at a cost not exceeding the above amount.

There being no further special business presented, the Board considered matters in general, and upon motion adjourned.

A. A. GRAHAM, *Secretary*.

In order to keep clear the course of the official proceedings of the Society, which were not completely recorded, it is here to be noted that at this annual (eighth) meeting of the Trustees the terms of office of seven Trustees expired (February 23, 1893), viz.:

Elected by the Society February (1890):

N. S. Townshend	Columbus.
E. C. Dawes	Cincinnati.
George F. Wright	Oberlin.
William E. Moore	Columbus.
Israel H. Harris	Waynesville.

Appointed by the Governor (1890):

M. C. Read	Hudson.
E. B. Lockwood	Batavia.

As the Society held no annual meeting there was no election of Trustees to succeed the above five first named and they therefore held over pending the election of their successors by the Society. The Governor, however, made the usual appointment of two Trustees, viz.: E. O. Randall, Columbus, and Josiah Hartzell, Canton, to succeed the retiring Trustees, Messrs. Read and Lockwood. Messrs. Randall and Hartzell were appointed to serve for three years, viz., from February 19, 1893, to February 19, 1896. On February 28, 1894, Mr. Hartzell resigned and Mr. A. H. Smythe, Columbus, was appointed by the Governor to fill out the unexpired term.

NINTH ANNUAL REPORT *
OF THE
Ohio State Archæological and Historical
SOCIETY
TO THE GOVERNOR.

From February 19, 1893, to February 19, 1894.

To the HON. WILLIAM MCKINLEY, Governor of Ohio:

SIR—The eighth annual report of this Society was a resume of the work to that time, chiefly along lines connected with the department of American Archæology and History at the World's Fair.

Since the date of that report our labors have been principally directed toward completing in the best manner possible an exhibit for the Fair which should in all respects prove a credit to our State.

It first had been the intention to give this department a place in the Manufacturers and Liberal Arts building; but this structure, despite its enormous size, was found to be no more than adequate for the exhibits in the departments of Manufac-

* Mr. Graham, the Secretary, before yielding the duties of his office and leaving for the West, prepared a very complete and interesting report of the participation of the Ohio Archæological and Historical Society in the Columbian Exposition at Chicago. This report gave a full list of the articles exhibited by the Society and their donors or loaners; a full report of the proceedings on Ohio Day, September 14, when the monument of "Ohio's Jewels" was unveiled on the grounds of the Exposition. This report, some seventy-five pages in length, was too extended to be published by the State for general distribution with the State reports of the other departments. Only a brief synopsis was therefore printed officially by the State. That synopsis is herewith reprinted. The full report of Mr. Graham, with some additional matter pertinent thereto, was published by the Society and distributed to the members in August 1894.

turers and Liberal Arts. Hence, it became necessary to construct a separate building wholly for American Ethnology and History. Owing to the delay thus created, our exhibit was not fully installed until July 21, when it was reported to the Executive Committee.

Associated with the Secretary of the Society, who had general charge of the work, were: Rev. H. A. Thompson, of Westerville; Will V. Van Meter, of Marietta; Seth Hayes, of Cincinnati; H. P. Starr, of Norwalk; M. C. Read, of Hudson, and Prof. G. Frederick Wright, of Oberlin. These gentlemen assisted in securing the loan of collections and individual articles from the different parts of Ohio and aided in arranging the exhibit at Chicago.

We were quite successful in obtaining loans desired, although it is becoming constantly more difficult to secure the loan of such specimens as we solicited, owing to owners' fear of loss or mutilation of the articles.

In the department of archæology, especially, we aimed to present typical specimens demonstrating variety, classification and use of articles, avoiding a multiplication of specimens which would bring no additional value to the exhibit as an educational feature.

The exhibit illustrating the Ice Age, consisted of charts, photographs and specimens forming a compact collection of the striking glacial phenomena from this State, collected, prepared and arranged under the direction of Prof. G. Frederick Wright, of Oberlin College.

In the department of history were exhibited charts, photographs and paintings, together with relics of historical value either by reason of former ownership, or as illustrating pioneer customs and usages in this State. Notably among these were the following:

Painting illustrating the landing of General Putnam and his band on the banks of the Muskingum River, April 7, 1788, by Phil. Clover, Columbus.

Three pictures by Mrs. Josephine B. Scott, Perrysburg, Ohio,—one of Buttonwood Island, the last camping ground of the natives of the Maumee Valley (the Ottawa Indians), as it

appeared a half century ago, covered with giant sycamores in the full vigor of primeval growth; another, a view of Turkey Foot Rock and Presque Isle Hill, the spot made famous at the "Battle of Fallen Timbers" by the wonderful daring of the intrepid chief, "Turkey Foot," who commanded the confederated forces at that time; and the third, a picture of Fort Meigs, presenting a quiet peaceful evening scene of the "Old Green Fort."

A painting by Howard Christy, of Duncan's Falls, representing the pioneer hunter, Louis Whetzel, in the act of cutting his name upon a rock, on the east bank of the Muskingum River below Zanesville.

Five frames containing currency issued by Ohio banks prior to the adoption of the National Banking system.

A series of 164 photographic views of the Muskingum and Maumee Valleys, and of several Ohio towns.

A "pioneer kitchen," fitted up with utensils used among the first settlers of Ohio; the articles having been largely collected, prepared and arranged by Mr. H. P. Starr, representative of the Firelands Historical Society.

An entire set of "old blue" dishes so much in use a hundred years ago in this State, so far as known the only complete set of its kind in Ohio.

The plan followed by Ohio in this department was entirely different from that of any State in the Union, inasmuch as it demonstrated the history of every part of Ohio from the earliest period to the present time. The work demanded close attention and unceasing effort, and though executed under many difficulties, the result was one of the best exhibits made in that department.

A feature of importance is the fact that this collection and much of the necessary expenditure of time and money attending its proper installation at Chicago, was not made simply and solely for this exhibition, but will form the nucleus of a State museum, and thus become of permanent value. The understanding from the beginning was that all the furniture, cases, maps, charts, pictures, paintings, etc., that were donated for the exhibit, or paid for from the appropriation for the World's Fair, would become the property of the Society after the exhibition.

This Society, however, is simply the trustee of this property, the ownership being vested in the State. As a result of this arrangement, the Society has secured six large wall-table cases, six table cases and six pedestals, costing in aggregate \$964.30. The cases have been needed for some time.

OHIO DAY.

At the time the Society was discussing plans for the part Ohio should take in the World's Fair, General Brinkerhoff, President of the Society, suggested that a group of statuary representing Ohio's most honored citizens be placed in front of the Ohio Building. The matter was brought to the attention of the General Assembly and received their hearty endorsement, \$25,000 having been appropriated to carry the suggestion into effect. The design of Mr. Levi T. Schofield, of Cleveland, was accepted, and on September 14, 1893, the monument was unveiled, this day having been set apart as "Ohio Day" at the Fair.

On that occasion General Brinkerhoff, in a stirring address, paid glowing tribute to the great State of Ohio and the men in whose memory the monument was erected.

FORT ANCIENT.

As far as the funds have permitted, the care of the Fort has been properly prosecuted. The custodian, Mr. Birgle, has cleared the ground of rubbish, removed the unsightly fences from the interior, and greatly advanced the work of making the Fort a popular resort.

Rev. Thomas B. Van Horn, who has had charge of the Fort in a general way, has made many improvements; and with Mr. Charles Neeramer has compiled and made a chart of the Fort at a cost of \$137.70, which was framed at a cost of \$22.50, making total cost, \$160.20.

An appropriation sufficient to purchase the remainder of the fortification should be made. This would enable the Society to assume entire control of much of the surroundings of the walls, and would render them better able to beautify the park and keep it and its surroundings in original condition. Were this park in Europe it would have been under the proper care of a society for many years; and in fact it is better known and the facts relating to it are more widely discussed in the countries of Europe than in America.

SERPENT MOUND.

Another remarkable work in Adams county, known as the Serpent Mound, was purchased through the liberality of the women of Boston for the Peabody Museum. More than four thousand dollars has been spent in restoring this work to its original condition, beautifying the grounds surrounding it, and making it not only a place of great historical interest, but of popular resort. The work is so far from the Cambridge Museum that they cannot give it as much attention as it deserves.

This park has been offered to the Ohio Archæological and Historical Society, if it will simply take care of it. This means that at a nominal expense this work can be kept in its present condition and be under the control of the Ohio Society.

A STATE MUSEUM.

Through the liberality of the Trustees of the Ohio State University at Columbus, the Society has been invited to place its collections of archæology and history in the university buildings. A museum building for Geology has just been completed and named "Orton Hall," in honor of Dr. Edward Orton, Professor of Geology at that institution and State Geologist of Ohio. The archæological section has been placed by Professor Orton on the gallery floor of the geological room. Place elsewhere will be provided for the historical section.

Placing the exhibit in this manner in the State University, not only enlists the sympathy and aid of the University through its Board of Trustees, its faculty, its students and their friends, but the Society has been assured their active support. It is only a question of time when a State building devoted entirely to American Ethnology will be necessary. Not a museum of this nature in America has been started with so good a foundation as we now have. It only needs proper care and development to place it among the best in the land.

CENTENNIAL EVENTS.

On April 7, 1888, occurred the centennial celebration of the settlement at Marietta, Ohio, a full account of which was published in the second volume of the proceedings of the Society.

The centennial celebration at Gallipolis was observed October 19, 1890, by centennial services in most of the churches of Gallipolis, that day being Sunday. The celebration was continued during the week in the various halls of the city, full account of which proceedings is contained in the third volume of the Society.

The most important coming centennial event will be that of General Anthony Wayne's Treaty with the Indians at Greenville, August 3, 1795. The last General Assembly passed a joint resolution in relation to the proper celebration of this event, which resolution reads as follows;

WHEREAS, The year 1895 marks the centennial epoch of the conquest of the Indian nations and the establishment of peace in the territory now comprised in the State of Ohio and adjacent country northwest of the Ohio river; and,

WHEREAS, Said conquest was made by the army under command of General Anthony Wayne, a gallant and meritorious soldier in the War of the Revolution and the Indian Wars, the battle of Fallen Timbers on the Maumee river, August 20, 1794, completing the chain of victories, and subduing the Indian tribes; and,

WHEREAS, The treaty of peace, made on the 3d day of August, 1795, at Fort Greenville (built on the site of Greenville, Ohio), by General Wayne, on behalf of the United States and various Indian nations occupying the territory northwest of the Ohio river, was of national importance,

and established peace and permitted the extension of American settlements therein; therefore,

Be it resolved by the General Assembly of the State of Ohio, That steps be taken to properly observe the one hundredth anniversary of this important event in the history of our country; *

That the United States government should erect a suitable memorial structure on the site of Fort Greenville to perpetuate the memory of General Anthony Wayne and his gallant army, and that our senators and representatives in Congress be requested, through the governor, to secure such a memorial;

That to accomplish the intent of this resolution the Ohio Archæological and Historical Society is hereby authorized and directed to take the necessary steps to secure a suitable centennial celebration at Greenville, Ohio, on August 3, 1895, and to obtain, if possible, through congress, such a memorial as will fittingly and appropriately perpetuate the centennial of this important event and those conspicuous in its history;

That the governor of Ohio be authorized to invite, on behalf of this state, the states of Pennsylvania, Virginia and Kentucky, which states furnished most of the soldiers in the campaign of 1794, and to send representatives to participate in such celebration. And also the states of Indiana, Illinois, Michigan, Wisconsin and Minnesota, which states, with Ohio, comprised the territory northwest of the Ohio river, to send representatives to this centennial, and to invite said states to prepare such tablets or other mementos for such memorial structure as they may desire.

PUBLICATIONS.

The Society has issued three volumes of publications. Of the third volume about forty copies remain. Volumes One and Two are entirely exhausted. The demand for them has been so great that the General Assembly has increased the annual appropriation one thousand dollars for the purpose of increasing the publication of these volumes.

At this time (December 26) the first volume is about ready for distribution. The second will be completed about the first of February. These volumes are, like all the Society's publications, not for sale. They are given only to members who support the Society, and anyone desiring to secure them can do so only by this channel. The annual membership fee of five dollars gives to each member one copy of the publications of the year for which the dues are paid.

MINUTES

OF THE

NINTH ANNUAL MEETING.

STATE LIBRARY ROOM, STATE CAPITOL.
COLUMBUS, OHIO, *February 20, 1894.*

The Ohio State Archæological and Historical Society met in annual session with the President, Gen. Roeliff Brinkerhoff, in the chair.

The following members were present:.

Gen. Roeliff Brinkerhoff, <i>President</i>.	.....	Mansfield.
Rev. Wm. E. Moore, <i>Vice President</i>.	.....	Columbus.
S. S. Rickly, <i>Treasurer</i>.	.....	Columbus.
E. O. Randall, <i>Secretary</i>.	.....	Columbus.
Prof. Geo. F. Wright	.....	Oberlin.
Judge W. J. Gilmore	.....	Columbus.
George F. Bareis	.....	Canal Winchester.
R. S. Hills	.....	Delaware.
Bishop B. W. Arnett	.....	Wilberforce.
Prof. N. S. Townshend	.....	Columbus.
Major E. C. Dawes	.....	Cincinnati.
Hon. Elroy M. Avery	.....	Cleveland.
Hon. M. D. Follett	.....	Marietta.
Dr. E. L. Herrick	.....	Columbus.
Dr. H. A. Thompson	.....	Dayton.
Prof. W. K. Moorehead	.....	Columbus.
Hon. L. B. Wing	.....	Newark.
Judge J. H. Anderson	.....	Columbus.
Dr. D. H. Gard	.....	Columbus.
J. J. Janney	.....	Columbus.

Upon call for the reading of the minutes of the annual meeting of the last year, Assistant Secretary Randall explained that there had been no annual meeting held in 1893, consequently, there were no minutes. The intention had been to hold

the annual meeting and elect officers at Chicago in 1893, but owing to the question which arose as to the legality of such proceedings, there was no meeting held.

The Assistant Secretary also stated that he held a copy of the detailed report of the Society's proceedings for the past year, made to the Governor of Ohio, consisting of some eighty type-written pages of legal cap. This report, which was a very complete and valuable one and ought to be preserved in the archives of the Society and published when possible, was much too lengthy for reading at this time. However, at the solicitation of the Governor, who objected to having the report printed in its original shape because too extensive, a condensed report had been made containing the substance of the same, comprising seventeen pages.

Thereupon this condensed report for 1893 was read by the Secretary, who supplemented the same by a statement concerning the disposition of the Society's possessions since their return from the World's Fair. He said that all that part of the exhibit which was of a purely archæological character had been placed in cases in the gallery of Orton Hall at the Ohio State University. The pictures and matters especially of an historical nature had been stored in the basement of Orton Hall, and negotiations are in progress with the Trustees of the University looking to securing proper quarters for them.

The President stated that he had read Mr. Graham's report in full and considered it a very valuable one, which ought to be put in print as soon as possible. It contained a report of Professor Wright on Ohio in the Glacial Period which was especially valuable.

It was moved by Judge Gilmore, that as the full report had not been read, and the condensed report, made at the suggestion of the Governor, had been substantially read, that the record of this meeting show why the report proper was not read, and why the condensed report was substituted; also, that the original report be received to await further order of the Society, which presumably will be to order same printed at the proper time. Motion seconded and carried.

The report of the Treasurer, which is also embodied in the

report to the Governor, was read by the Secretary, and upon motion of Judge Gilmore the same was received and approved.

Upon call for report from the Executive Committee, Mr. Randall stated that the ground was substantially covered in the report read; that since the close of the World's Fair the Committee had been looking after the reception and proper placing of the Society's collections, and overseeing the publication of the two volumes which had been printed, and supervising the general affairs of the Society.

Upon motion of Mr. Randall a committee of three was appointed by the chair to make nominations for vacancies on the Board of Trustees, which committee consisted of Messrs. Randall, Bareis and Follett.

Owing to the fact that no annual meeting was held last year, the five Trustees whose terms expired in 1893 held over, and as the terms of five more expired this year, it necessitated the election of ten Trustees at this time,—the five who succeed those holding over from last year to be elected for two years, and the other five for the full term of three years.

The committee were allowed to retire in order to formulate their report, whereupon Dr. Moore presented the following resolution, which was unanimously adopted and a copy ordered to be sent to Mr. Graham :

Resolved, I. The Ohio State Archæological and Historical Society desires to put on record its high appreciation of its Secretary, Mr. A. A. Graham, who from the beginning of the Society under its present organization has been most efficient in promoting in every way the objects for which the Society was formed. The tastes of Mr. Graham for history and archæology, and his acquirements in these branches of knowledge, gave him eminent fitness for the position which he has held constantly as the Secretary of the Society, and the custodian of its collections. His wide acquaintance with the history and location of the works of the prehistoric people, and his knowledge of those who have gathered stores of the relics of the Mound Builders, enabled him, with their co-operation, to be chiefly instrumental in gathering, at the recent Columbian Exposition in Chicago, a collection of the archæological treasures of Ohio worthy of the Society, superior in value to any other such display.

II. The Society regrets the failure of his health, which for the time at least has withdrawn him from the active work on which his heart is set. We would tender him our deepest sympathy in his illness and assure him

of our hope and prayer that he may soon be restored to his wonted health and usefulness.

III. That a copy of the above resolutions be sent to Mr. Graham.

Mr. Walter K. Moorehead rose to inquire whether he might at this time present a proposition which he had to make to the Society. He was given permission to proceed, and at some length explained the great need of a strictly scientific line of investigation of the mounds and ancient earthworks of Ohio, deploring the time lost and great waste which had resulted from the desultory and unscientific character of the exploration of these places hitherto. He stated that he had been engaged by the Ohio State University to take charge of the department of archæology in Orton Hall, and received a small salary from the University. He wished, in connection with his work there, to make some arrangement with this Society by which there would be co-operation of the two forces in the matter of exploration in Ohio. The University could give him no money for field work, and he offered to this Society his services free to take charge of the archæological work of same, agreeing to carry on such work in a thoroughly scientific manner, providing the Society would allow him some money for field work, this money to be used for field work alone.

Upon the question being asked as to whether this proposition came from Mr. Moorehead, or from the Trustees of the University, Mr. Moorehead said that his instructions from Professors Scott and Orton were such that they would countenance any outside work he might do for any institution in the State, but they had no money to give outside of the institution. He further stated that whatever money he would raise outside the institution would be used in field work; and if he offered to the Society his services free, he was to have some money to do field work.

Mr. Rickly moved that this proposition be referred to the new Executive Committee. Seconded.

Remarks were made commendatory to Mr. Moorehead and his work by General Brinkerhoff and Professor Wright.

Judge Gilmore offered an amendment to Mr. Rickly's mo-

tion, which was accepted by him, making it read as follows: "The proposition of Mr. Moorehead shall be referred to the Executive Committee, with power to appoint such sub-committee and do such other acts as may be necessary to bring about a complete understanding between the Ohio State University and this Society, and also a mutual understanding as to the powers and duties of Mr. Moorehead."

Vote was taken upon the motion as amended and the same unanimously adopted.

At this point the Nominating Committee reported nominations made, as follows:

For members of the Board of Trustees, to serve two years:

Prof. N. S. Townshend,	Prof. G. F. Wright,
Major E. C. Dawes,	Dr. Wm. E. Moore,
Hon. John Sherman.	

For members of the Board of Trustees, to serve three years:

S. S. Rickly,	Hon. Elroy M. Avery,
Geo. F. Bareis,	Hon. Calvin S. Brice,
Bishop B. W. Arnett.	

Upon motion of Mr. Rickly, seconded by Judge Gilmore, the rules were suspended and the Secretary instructed to cast the ballot of the Society for the nominees presented by the Nominating Committee to this body.

The ballot was so cast by the Secretary, and the gentlemen declared elected as recommended by the Nominating Committee.

Mr. Bareis moved that as the Governor is not in the city, and therefore the customary greetings of the Society in convention can not be tendered him now, that Mr. Randall and Judge Gilmore be appointed a committee of two to wait upon the Governor when he returns and bear to him the greetings of the Society; also to suggest to him the reappointment of his appointees on the Board of Trustees whose terms have expired. Motion seconded and carried unanimously.

Mr. Randall moved that the petition to the Legislature, urging the purchase by the State of the plates, copyrights, etc., necessary to the publication of Henry Howe's History of Ohio,

be endorsed by the Ohio State Archæological and Historical Society.

Mr. Rickly offered an amendment, which was accepted by Mr. Randall, providing that the President and Secretary sign the petition for the Society.

Seconded by Mr. Rickly.

Judge Gilmore spoke in favor of the purchase of the plates by the State, but thought that did not go far enough. He thought they should be purchased by the State and turned over to this Society, and that the Legislature should make proper appropriation to enable the Society to publish the same, and that it should control the distribution of the books, under direction of the Legislature. He did not favor the idea of the State becoming a publisher of historical works.

Mr. Randall stated that his understanding was that it was the intention that the State should publish the work as a State publication, and possibly to have it distributed throughout the counties and reach the public schools in some way.

Mr. Frank Howe, who was present, was appealed to for information on the subject in question. He stated that the idea was to have the State purchase the plates and print the books as a historical report, to be used as exchanges from the State Library for the Historical Society, and also in the public schools as a book of reference. He said that it was already in use in the schools in thirty-five counties of the State; and if owned and printed by the State it could be furnished to the schools at cost of printing, so that the printing would not be an item of expense to the State. He also said that as the plates *must* be sold, if not sold to the State, they would be bought by a speculator and furnished to the schools at three or four times the amount for which they could be printed and furnished by the State.

Professor Wright thought the greatest value of the ownership of the book by the State lay in the possibilities for exchange. He thought with such a work we could secure almost anything from this country and Europe in exchange. He favored its control by the Society.

General Brinkerhoff and Dr. Moore endorsed the sentiments

expressed and thought the Society ought to control the publication and distribution of the book.

Judge Gilmore thought it might be disastrous to encumber the original bill with a demand for turning the use and control of the book over to the Society, and favored the original proposition.

Motion put to vote and carried.

Judge Gilmore moved that a committee of three be appointed, whose duty it shall be to meet with the author of the bill, with the power to make the suggestion that the plates, copyrights, etc., be purchased and turned over to this Society for publication. Seconded by Dr. Moore and carried.

Committee appointed by the Chair as follows: Judge Gilmore, Judge Anderson and Dr. Moore.

Dr. Moore moved the appointment of a committee by the Society to revise and codify the constitution, which has been amended in various forms, and present same at next annual meeting.

Seconded by Dr. Arnett, Carried.

Committee appointed: Mr. E. O. Randall, Dr. Moore and Mr. E. F. Wood.

President Brinkerhoff announced a meeting of the Board of Trustees with the newly elected members immediately after the adjournment of this body, for election of officers and the transaction of other necessary business.

Attention was also called to the joint meeting to be held in the evening with the Legislature, and all urged to attend.

Upon motion of Mr. Rickly, seconded by Mr. Randall, meeting adjourned.

E. O. RANDALL,
Secretary.

STATE LIBRARY ROOM, STATE CAPITOL,
COLUMBUS, OHIO, *February 20, 1894.*

Immediately upon adjournment of the Society the Board of Trustees convened, fourteen being present viz.: Messrs. Brinkerhoff, Rickly, Moore, Wright, Gilmore, Bareis, Hills, Arnett, Townshend, Dawes, Avery, Follett, Thompson, Randall.

After selecting Bishop Arnett as temporary chairman and Mr. Randall as temporary secretary, the Board proceeded to the election of officers.

Upon call for nominations for President, General Brinkerhoff was nominated by Judge Gilmore. Upon motion of Mr. Randall, seconded by Mr. Rickly, the rules were suspended and General Brinkerhoff elected by acclamation.

Dr. Moore was nominated for First Vice President and upon motion of Mr. Randall, properly seconded, the rules were suspended and Dr. Moore elected by acclamation.

Hon. Elroy M. Avery was nominated by Professor Wright for Second Vice President. Moved by Professor Wright, seconded by Mr. Randall, that the rules be suspended and Senator Avery be elected by acclamation. Carried.

A. A. Graham nominated by Dr. Thompson for Secretary. This was followed by considerable discussion as to the advisability of the re-election of Mr. Graham, owing to the present condition of his health. While all agreed that his long years of faithful service deserved recognition and reward, yet it was thought by some that owing to the fact that Mr. Graham was in Arizona and in poor health, and owing to other conditions which could not at this time be explained; also in view of the low financial condition of the Society, the election of Secretary and fixing of salary had better be left to be settled by the Executive Committee after it had been ascertained what action the present Legislature would take in regard to appropriations. The Society had no means, but on the contrary was very much in debt.

Owing to this state of affairs, Mr. Rickly moved that the election of Secretary be postponed until more is known about how means are to be procured with which to pay the salary.

Seconded by Judge Gilmore, with addition of giving power of election to the Executive Board.

Dr. Thompson thought Mr. Graham could be elected and the matter of salary left in abeyance until such a time as it could be fixed. He had a letter from Mr. Graham, asking him to attend the meeting and advise him immediately of the Society's action, and he knew that Mr. Graham was anxiously awaiting such news.

Professor Wright inquired how the salary was fixed, to which Dr. Thompson replied that it was done by the Trustees.

General Brinkerhoff and Mr. Bareis expressed themselves as of opinion with Dr. Thompson, and thought the Society owed Mr. Graham re-election.

Mr. Rickly explained that his motion was not made out of any want of sympathy for Mr. Graham, but that the Society was a body disbursing trust funds, and while no salary had been fixed at this meeting, if Mr. Graham was re-elected it would be upon previously fixed salary. He thought that a little reflection might enable the Board to reach the conclusion these gentlemen had asked for, and yet not plunge it into a difficulty from which it might not be easy to extricate itself.

Upon vote being taken, Mr. Graham was declared elected.

Mr. E. O. Randall was unanimously chosen Associate Secretary.

Mr. Rickly was nominated for Treasurer and unanimously elected.

Dr. Moore moved that the Executive Board consist of, besides the officers of the Society, Judge Gilmore and Colonel Parrott. Seconded. Carried.

Judge Gilmore moved, first, that this Society create the office of Stenographer and Typist, and elect to fill the same a stenographer and typewriter operator, who shall discharge the duties incumbent upon such an office; that there shall be no salary paid to such an officer, but for compensation shall receive regular rates for such work as is done: second, that Mrs. Benigna G. Kalb be elected to fill the office, as she is a regular contributing member. Seconded and unanimously carried.

Upon request of Mr. Rickly, the office of Assistant Treasurer was created and Mr. Wood was elected to fill the office.

Mr. Bareis moved that the Secretary's salary be fixed at this time, if it could be done provisionally; that is, to be paid at the rate of \$100 per month, providing the Society should get an appropriation from the Legislature.

Mr. Wood suggested it would be better to be made contingent upon securing a large enough appropriation to justify the payment of such a salary.

Mr. Randall moved that the matter of salaries be deferred until the appropriation should be fixed, or until the Executive Committee should decide in relation to the finances of the Society what could be done. He said that he made this suggestion in all loyalty to Mr. Graham, and while he thought Mr. Graham was entitled to all the Society could do for him, yet before the Board committed itself in the matter of salaries, he thought the trustees should carefully look into the financial condition of the Society. He explained at some length the indebtedness of the Society and the difficulties which must be faced in appearing before the Finance Committee of the Legislature to ask for an appropriation.

Mr. Hills moved, as an amendment to Mr. Bareis' motion, that the matter of salary for the Secretary or secretaries be referred to the Executive Committee with authority to act. Mr. Bareis accepted the amendment, and the motion as amended was seconded and carried.

Mr. Hills spoke at some length of the necessity of offering some social attraction to members at the time of the annual meetings, in the way of a banquet or other "blow-out," and thought some such arrangement would result in enlarging the membership of the Society to a large degree, and stimulating interest in its work.

Mr. Randall endorsed Mr. Hill's remarks and said that the Committee had this year contemplated such an affair, but in deference to the stringency of the times it had been abandoned. Mr. Randall said it was his opinion, as well as that of others, that the Society should return to the custom of having monthly meetings, at which it had been the custom, when such meetings

had been held, to have read some valuable papers, which drew good audiences and enlarged the work of the Society.

Upon taking the Chair, President Brinkerhoff in a few words thanked the Society for the honor of re-election, and said that he would do his best to further its interests.

The first meeting of the Executive Committee was called for February 21, at 3 P. M., standard.

On motion the Society adjourned.

EVENING SESSION.

On the evening of February 20, instead of the usual annual banquet, the Society held a public meeting in the House of Representatives at 8 P. M. The house was filled with an audience consisting of members of the Legislature, members of the Society, and citizens of Columbus. In the absence of Governor McKinley, who had been requested to preside, General Brinkerhoff occupied the Chair, and delivered a most admirable address on the purposes and value of the Society, entitled, "Why We Exist." Prof. G. F. Wright spoke at length upon "What We Have Accomplished." The Hon. C. P. Griffin spoke upon "The Importance of the Society." Vice President Dr. Moore upon "The Department of Personal History as Pertaining to the Society." The Hon. Alexander Boxwell, Speaker of the House, made an earnest appeal to the members of the Legislature, advocating the purchase by the State of the remainder of Fort Ancient. His discourse was made the more interesting from the fact that the large map of Fort Ancient, owned by the Society, and made from drawings by Mr. Warren K. Moorehead, was hung upon the wall of the House of Representatives, where it could be seen and studied by the members.

The meeting was pronounced by the members of the Society one of the most successful ever held.

E. O. RANDALL, *Secretary.*

TENTH ANNUAL REPORT
OF THE
Ohio State Archæological and Historical
SOCIETY
TO THE GOVERNOR.

From February 19, 1894, to February 19, 1895.

To the HON. WM. MCKINLEY, Governor of Ohio:

The ninth annual meeting of the Society convened in the reading room of the State Library, Columbus, Ohio, February 20, 1894, at 2 P. M. standard time, with the President, General Roeliff Brinkerhoff, in the Chair, E. O. Randall acting as Secretary.

Upon the call for the reading of the minutes of the annual meeting of the previous year, the Acting Secretary explained that there had been no annual meeting held as there should have been, in February, 1893; there were, consequently, no minutes. The intention had been to hold the annual meeting and elect the officers at Chicago in February, 1893, but when that was attempted the question arose as to the legality of the proceedings of the Society occurring outside of the State. Consequently no meeting was held, and the officers held over pending the election of their successors.

After the reading of the report of the Society for the year 1893, as prepared by the Acting Secretary, the meeting proceeded to the nomination and election of the Trustees to serve for the ensuing year.

Owing to the fact that no annual meeting was held in Feb-

ruary, 1893, the five Trustees whose terms expired at that time held over, and, as the terms of five more expired with this meeting, it necessitated the election of ten Trustees at this time. Five to be elected for two years, the unexpired terms, and five for the usual full term of three years. The result of the election was as follows:

For members of the Board of Trustees, to serve three years; term expiring in 1897:

Hon. Calvin S. Brice	Lima.
Hon. Elroy M. Avery.....	Cleveland.
Bishop B. W. Arnett.....	Wilberforce.
Mr. G. F. Bareis	Canal Winchester.
Mr. S. S. Rickly ...	Columbus.

For members of the Board of Trustees, to serve two years; term expiring in 1896:

Hon. John Sherman	Mansfield.
*Maj. E. C. Dawes.....	Cincinnati.
†Prof. N. S. Townshend	Columbus.
Prof. G. F. Wright	Oberlin.
Rev. Wm. E. Moore.	Columbus.

Those holding over, whose terms expired in one year, viz., 1895, were:

Gen. R. Brinkerhoff.....	Mansfield.
Hon. M. D. Follett.....	Marietta.
Hon. D. J. Ryan	Columbus.
Rev. H. A. Thompson	Dayton.
Mr. R. E. Hills	Delaware.

The two Trustees subsequently appointed by the Governor, to serve for three years, terms expiring in 1897, were the Hon. Chas. P. Griffin, Toledo, and the Hon. Andrew C. Robeson, Greenville.

The other four appointees by the Governor holding over were the Hon. W. J. Gilmore, Columbus, Hon. Israel Williams, Hamilton, whose terms expire in 1895; Mr. A. H. Smythe,

* Died April 23, 1895.

† Died July 14, 1895.

Columbus, Mr. E. O. Randall, Columbus, terms expiring in 1896. This completed the full list of twenty-one Trustees.

After the usual routine business incident to the annual meeting the Society adjourned, and a meeting of the Trustees was immediately held.

Bishop Arnett acted as Temporary Chairman and Mr. Randall as Temporary Secretary. The Board proceeded at once to the election of officers to serve for the ensuing year ending February, 1895. The election resulted as follows:

Gen. R. Brinkerhoff, <i>President</i>	Mansfield.
Rev. Wm. E. Moore, <i>First Vice President</i>	Columbus.
Hon. Elroy M. Avery, <i>Second Vice President</i>	Cleveland.
S. S. Rickly, <i>Treasurer</i>	Columbus.
Edwin F. Wood, <i>Assistant Treasurer</i>	Columbus.
A. A. Graham, <i>Secretary</i>	Las Cruces, N. M.
E. O. Randall, <i>Assistant Secretary</i>	Columbus.

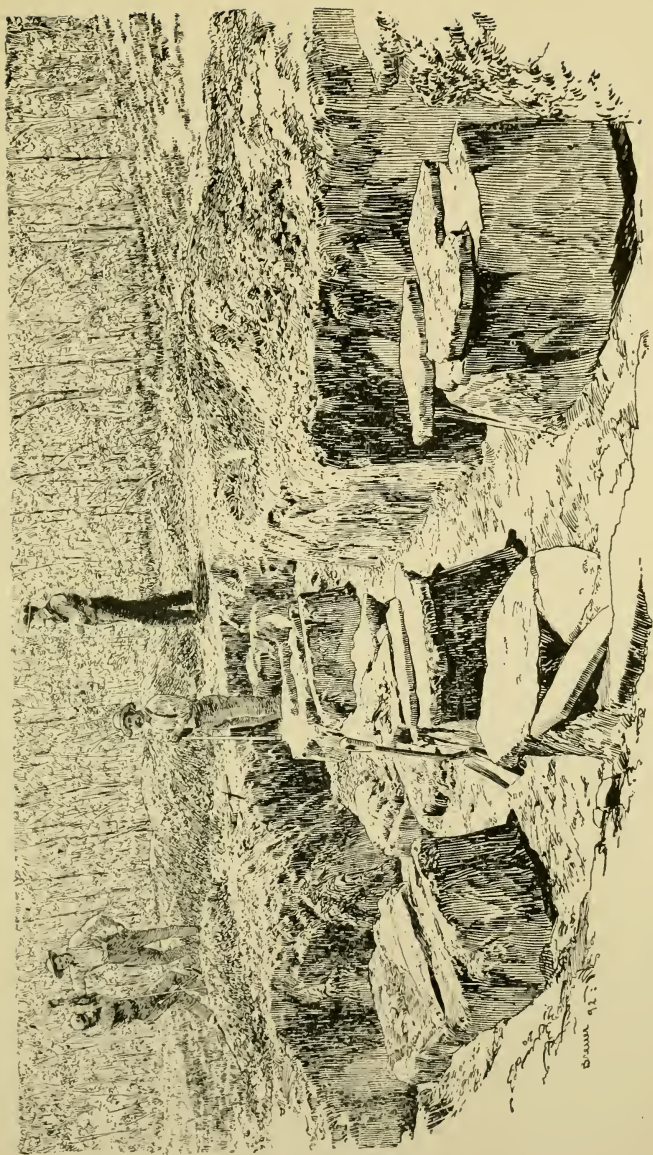
The Board of Trustees named as its Executive Board the above officers of the Society. To this Executive Board were added Judge Gilmore and Colonel Parrott.

Mrs. Benigna G. Kalb was elected official stenographer. The matter of salaries was referred to the Executive Committee, with power to act.

FORT ANCIENT.

The Executive Committee the past year have taken especial interest in the care of Fort Ancient, as it is becoming more and more an object of historical and archæological study on the part of scholars throughout the country. Colonel T. B. Van Horne, appointed by the Society, custodian of the property, has made several trips to the Fort and taken every precaution to prevent any further deterioration, and to take such action and employ such means as would conserve to its preservation and restoration to its original condition.

On June 28 the Executive Committee and several of the Trustees and members of the Society spent the day at the Fort, carefully examining its condition, noting the points which need



GROUP OF CHILDREN'S GRAVES, FORT ANCIENT.

especial attention, and arranging for such work as seemed necessary for its immediate care. The Trustees have entered into an arrangement with Messrs. Moorehead and Cowen, whereby these gentlemen are to co-operate in the care of the Fort; they to keep a responsible superintendent, who is to reside within the Fort and execute the directions of the Society as to the custodianship of the property. The Fort is becoming more and more a favorite resort for visitors, both pleasure seekers and students. The Society would urge strongly the duty of the State to purchase that portion of the Fort which was omitted in the first purchase. The entire property should be within the control of the State and be safely preserved intact, as it is the largest, best preserved, and probably the most important relic of the ancient Mound Builders in this country.

WORK OF THE EXECUTIVE COMMITTEE.

The Executive Committee has been most faithful, efficient and indefatigable in its supervision of the affairs of the Society, in its efforts to protect its interests, and promote the objects of the Society, and economically and profitably expend the funds placed at the disposal of the Society by the appropriation of the Legislature. It has met in formal session some twenty-two different times during the year, its sessions averaging some three hours in length. Every detail of the work in connection with the Society has been directed by them, or at least carefully looked after. The work of this Committee during the year has been more important and laborious than in previous years, owing to the continued absence of Mr. Graham, the Secretary, who has hitherto been the chief executive officer, and owing further to the fact that the year 1893 was mostly employed by the Society in making its exhibit at the Columbian Exposition. This exhibit not only absorbed the entire efforts of the Society during the year 1893, but entailed more expense than the appropriation of the Legislature provided for, and left the Society at the end of the year 1893 to provide for a deficit. This deficit did not result from any mismanagement of the Society so much as from the

bad faith of the Ohio World's Fair Commission, which, at the beginning of the year 1893, had entered into an agreement with the Society to provide for a certain amount of the expense incurred by the Society in making its exhibit. The Finance Committee of the Legislature partially, but only partially, reimbursed the Society for this deficit.

The work involved during the year 1893 in making the exhibit of the Society at Chicago naturally, and without doubt profitably, interrupted the usual and special work of the Society, but the exhibit was a great credit not only to the Society, but to the State of Ohio. This interruption, however, and the absence of the Secretary, necessitated upon the Committee and Acting Secretary unusual efforts to revert the work of the Society to its regular groove. In spite, however, of the difficulties thus explained, the Society has done admirable work, and finds itself at this date in most excellent condition, and prepared to enter upon its eleventh year with better opportunities and more favorable prospects for accomplishing its objects than ever before.

PUBLICATIONS.

During the past year, in accordance with the increasing demand for the volumes previously published by the Society, but out of print, and further in accordance with the appropriations specifically made by the Legislature for that purpose, the Society has published one thousand copies each of volumes one and two of the Society's annuals. A copy of each of these was furnished to the State officers and members of the Legislature. That these works are of great value and in great demand is evidenced by the fact that requests come for them from historical societies throughout the United States, and even Europe. In the reprinting of these books, stereotype plates were made, from which, at any time, at a comparatively trifling expense, further editions may be published.

Volume three is now in process of reprinting in a similar way. The matter for volume four, which will be especially

valuable, as it will give a full account of the various disputes concerning the boundary lines of Ohio, is now being prepared for publication.

The Society has also the past year published a very full and interesting account of the exhibit which it made at the Columbian Exposition. It makes a pamphlet of a hundred pages and has been in great demand throughout the State.

THE ARCHÆOLOGIST.

Beginning with January, 1895, the Society has entered into an arrangement with the publishers of a monthly magazine known as *The Archæologist*, with headquarters at Columbus, whereby *The Archæologist* becomes the official organ of the Society, and will publish each month reports of its meetings, papers read before its gatherings, and all documents and manuscripts deserving of public print or of special interest, either in history or archæology, to the members of the Society. This publication is a valuable adjunct to the Society, will bring it in frequent contact with its members and enhance the value of membership, and in many ways further the interests of the Society. It will be sent out each month to each member of the Society, and will, moreover, bring the Society and its work to the notice and knowledge of some additional seven hundred subscribers to *The Archæologist*, scattered throughout Ohio, and readers interested in these lines in various parts of the country. The Archæological work of the Society will be represented in this magazine by Mr. Warren K. Moorehead, and the Historical Department by the Secretary of the Society.

MONTHLY PUBLIC MEETINGS.

Beginning with October, 1894, the Executive Committee inaugurated a series of monthly public meetings, at which papers of interest on topics pertinent to the objects of the Society are

read by members, or outsiders, especially qualified to prepare and deliver such addresses. The meetings, thus far, have been more than successful, being largely attended not only by members of the Society but the public generally. Such of these papers as are especially interesting or valuable will be printed in the forthcoming publications of the Society. The daily papers have given special notice and attention to these meetings, and published very generous reports of them.

QUARTERS AT THE UNIVERSITY.

The Society has succeeded in making an arrangement with the authorities of the Ohio State University whereby it has quarters in the museum room, Orton Building, for the permanent repository of its cases of collections which it had on exhibit at Chicago. No better place could be found, and the collection has been carefully arranged and labeled, and is where it is easily accessible to all who care to inspect it, and where it will be seen and studied, not only by the students of the University, but the numerous visitors who are attracted to the University. The Society has also made arrangements to co-operate with the library of the Ohio State University, and its books, magazines and documents which it desires to preserve, are preserved in the University library, where they are easily accessible to the members of the Society, and can also be utilized by the students. The co-operation of and friendly relations between the Society and the University are mutually advantageous and healthful, and, we believe, conducive to the general interests of education in the State of Ohio.

ARCHÆOLOGICAL DEPARTMENT.

The Society, the past year, has especially strengthened itself in the work in the Department of Archæology. It has secured the services and co-operation of Professor Warren K. Moore-

head, a most accomplished scholar, the author of "Primitive Man in Ohio," and a gentleman known throughout the country for his learning and proficient work in this line of study. The Executive Committee have entered into an agreement with Mr. Moorehead, in which he becomes the Curator and has charge of the archæological collections of the Society. Further than this, he is to have charge of whatever work of discovery and investigation the Society may engage in, and Professor Moorehead in his lectures and work throughout the State has always done much to further the value and progress of archæological research in Ohio. A special report by him upon this subject, in connection with the Society, is incorporated in this general report. The Society is especially fortunate in securing the services of Mr. Moorehead.

MR. MOOREHEAD'S REPORT.

OHIO ARCHÆOLOGICAL AND HISTORICAL SOCIETY.

Department of Archæology, MR. E. O. RANDALL, Secretary:

DEAR SIR: I have the honor to submit the following report upon the work which I have done for your Society:

Since my appointment as Curator of your collection and in charge of the preservation of the State antiquities for the Society I have visited numbers of ancient earth-works and enclosures, of mounds and village sites in the State, at my own expense. I have found many of these in cultivated fields, others in woods and upon hilltops. Those in the fields are somewhat injured, and several nearly destroyed because of continuous cultivation. Those upon the hills or in timber are well preserved, and present nearly the same appearance that they did when the mound builders who constructed them left the Ohio Valley.

I have begun an archæological map of the State, in accordance with the orders given me by your committee some months ago. I have taken the government map and the observations of six of the best archæologists of the Ohio Valley, and accepted such pre-Columbian works as they have described as accurately located. I have had county and township maps prepared and sent to the most intelligent archæologists of the State. These gentlemen have co-operated with me and have sent in upwards of one thousand ancient monuments, located according to farms, creeks, townships and counties. We have a total of three thousand monuments accurately located, and during the next year we can locate from three to

four thousand more. This work has never been established on so large a scale in America. France, Germany and England know the exact location of every one of their pre-historic remains. As ours are as imposing, as important and as interesting as those of Europe, we certainly should not be behind our friends across the water in our appreciation and understanding of the archæology of the Ohio Valley.

We have received several small collections, aggregating 1,500 specimens and two thousand dollars in value, during the past year. These have been carefully arranged and labeled in the fire-proof museum, known as Orton Hall, Ohio State University. With the original collection of the Society, our total exhibit amounts to something like 10,000 specimens, and makes the third best showing in the entire State, Cincinnati and Cleveland presenting larger and more valuable exhibits. We have received some funds for exploration, and these were used during the year in work in Licking, Ross and Pickaway counties. None of this money was contributed by the Society, but by individuals of means who were interested in the welfare of the science.

The collection given in my charge by the former Secretary, Mr. Graham, was somewhat mixed and lacked the proper labels. I have cleaned all of them, re-labeled and exhibited according to use and localities. I have made a strictly scientific exhibit, such as is employed by the Smithsonian and Peabody museums.

The total cost of my department during the year has been less than \$200, and the returns in material have exceeded \$1,500.

Very respectfully submitted,

WARREN K. MOOREHEAD.

January 15, 1895.

MR. CLOVER'S PICTURE.

By order of the Trustees, Mr. Phil. Clover, the artist, in the fall of 1892, painted for the Society, after much preliminary study, a large oil painting representing the landing of the New England pioneers at the first white settlement in Ohio, on the banks of the Ohio River at Marietta. This picture, most interesting from a historical point of view, was hung in the Ohio exhibit at the World's Fair, where it attracted wide attention. Upon its return from Chicago it was stored temporarily at the Ohio State University until August, 1894, when by permission of the Adjutant General, it has been permanently hung in the rotunda of the State Capitol, a most fitting place for its exhibition.

GREENVILLE CENTENNIAL.

On June 16, 1894, His Excellency, Governor McKinley, addressed a communication to the Secretary of this Society, calling attention to the fact that on March 22, 1893, a joint resolution was passed by the Legislature of Ohio relative to the celebration of the Conquest of the Indian Nations, to be held at Greenville, Ohio, on August 3, 1895. This resolution directed the Ohio Archæological and Historical Society to take the necessary steps for the proper celebration of this event, deeming it worthy of recognition by the State authorities, and requesting the Governor of Ohio to invite the attendance of the Governors of the States of the Northwestern Territory and co-operation in this celebration by the States of Pennsylvania, Virginia, Kentucky, Indiana, Illinois, Michigan, Wisconsin and Minnesota. This matter has received the careful attention of the Society so far as it lies within its province. It was expected when this resolution was adopted in March, 1893, that the Legislature would follow it up by making an appropriation, to be placed at the disposal of the Society, for the proper carrying out of the intent and purpose of the said resolution. The Society urged upon the Finance Committees of both Senate and House to make such appropriation, but those committees failed to make an appropriation, and none was therefore made. It is to be deeply regretted that the Society is thus left without funds to assist it in this event which is really one, not only of State, but of national interest.

RESIGNATION OF MR. GRAHAM.

Mr. A. A. Graham, of Columbus, O., has served as Secretary of the Society from the beginning of the organization in March, 1885, until November, 1894, practically a period of ten years, and to him, more than to any other one man, is due the credit of organizing the Society, of promoting its growth and progress, and bringing it to its present influence and prominence. Mr. Graham had many qualifications that especially fitted him

for his position, not only in a love for knowledge, a tact in dealing with men, but undaunted energy and enthusiasm in this work. He has during his service visited nearly every town of any prominence in the State, presenting the claims and objects of the Society, soliciting members and obtaining documents and memoranda for the archive and publications of the Society, and he has added much to the Society's history. When many others have flagged in their interest and relinquished their work, Mr. Graham has put forth fresh efforts, and with undaunted courage and tenacity, pushed on the work. In December, 1893, after the arduous labor and worry connected with the management of the exhibit made by the Society at the World's Fair in Chicago, the decline of his health, which had been failing for a year or two, obliged him to give up the active duties of the office, and by the advice of his physician, he was led to seek, at least, a temporary home in what it was hoped would be a more beneficial climate in the west. At the last annual meeting of the Society, held February 20, 1894, the following resolutions were unanimously adopted:

Resolved, I. The Ohio State Archæological and Historical Society* desires to put on record its high appreciation of its Secretary, Mr. A. A. Graham, who from the beginning of the Society under its present organization has been most efficient in promoting in every way the objects for which the Society was formed. The tastes of Mr. Graham for history and archæology, and his acquirements in these branches of knowledge, gave him eminent fitness for the position which he has held continuously as the Secretary of the Society, and the custodian of its collections. His wide acquaintance with the history and location of the works of the pre-historic people, and his knowledge of those who have gathered stores of the relics of the Mound Builders enabled him, with their co-operation, to be chiefly instrumental in gathering at the recent Columbian Exposition in Chicago, a collection of the archæological treasures of Ohio worthy of the Society, superior in value to any other such display.

II. The Society regrets the failure of his health, which, for the time at least has withdrawn him from the active work on which his heart is set. We would tender him our deepest sympathy in his illness, and assure him of our hope and prayer that he may soon be restored to his wonted health and usefulness.

III. That a copy of the above resolutions be sent to Mr. Graham.

At this meeting Mr. Graham was re-elected Secretary for the ensuing year, 1894, without salary, as it was recognized that he would be unable to perform the duties of the office in his Western residence, and for the further reason that the Society was not authorized to compensate him with the salary, while he was unable to fulfill the duties of the office. Mr. E. O. Randall, of Columbus, O., one of the Trustees of the Society, was elected at this meeting Assistant and Acting Secretary.

In November, 1894, Mr. Graham, forced to conclude that he could not for the present consider the idea of returning and assuming the active duties of the Secretaryship, tendered his resignation to the Executive Committee in the following letter:

ALBUQUERQUE, NEW MEXICO, *November 10, 1894.*

REV. WM. E. MOORE, *Vice President Ohio Archæological and Historical Society, Chairman Executive Committee:*

MY DEAR SIR: Almost ten years ago, you and I, among a number of gentlemen from all parts of Ohio, met in the State Library to form an Archæological and Historical Society for Ohio. That has been the instrument of securing this convention; but to the man who is now the Society's President (Gen. R. Brinkerhoff), belongs the credit of suggesting such an organization. He and I had, in a business way, been associated in preparing and publishing County Histories in our State. Here I had been the instrument, he the power, with money, influence and counsel to aid me. We worked harmoniously in one place, and in this venture he was again my guide, and the same good friend. I recall with feelings of pleasure the gratitude I felt when you came in and joined us in our work. I had not specially invited you, for you were then my pastor, and I knew of the many calls on your time and purse, and the pleasure was heightened from the fact that you came without it. It gave me no little encouragement to see yourself and several others, among whom was one who is now our Treasurer, come to the convention and evidence their interest by their attendance, their counsel and their practical aid.

Looking back to that March day, and to its evening meeting, I am reminded that half a score of years make many changes. Of the twenty-eight (28) gentlemen whose names are on the charter roll, six (6) are now beyond the arena of earth's conflicts; and the venerable gentleman who was chosen our President, is now, though living, like the ripened sheaf of wheat, ready for the garner.

At this meeting I was chosen Secretary. The immediate prospect for success was none too flattering; but I was well and strong, and, with the assurance of help from every one present, I began the work. Looking

back now I can see many mistakes on my part, but through perseverance, industry and faith, aided not only by encouraging words, but by practical help, at the end of four years the Society had a membership roll of over five hundred names; had taken an active part in the Centennial at Marietta; had issued two excellent volumes of publications; and was known in all parts of the Union as an active working Society. By this time the General Assembly of Ohio, in response to many requests, made it one of the State departments, fixed the status of its books, pamphlets, etc., as part of the State Library, and soon after purchased the greatest earthworks of its kind in this country—Fort Ancient, on the banks of the Miami river—and placed it under the care and control of the Society. The Assembly also provided for the support of the Society a sum sufficient to pay the salary and expenses of its Secretary, who until this time received such compensation as could be paid after all other expenses were met.

Five years after, the question of a suitable Quarto-Centennial of the discovery of America by the greatest explorer of the age came prominently before the American Nation. It may not be generally known but it is a fact, I am told, that such a centennial should be observed was first made by a member of this Society (Mr. S. S. Rickly) who, even though denied the light of heaven and the sight of his fellow-men, was among those who came to our first meeting and who soon after was chosen Treasurer, and in season and out of season has always manifested his interest and his aid by attending all our meetings, and to whom I am and have been grateful for many acts of kindness that is not measured in the arena of life by words.

We saw in the World's Fair an opportunity to develop our resources, show our utility, to enrich the Society's collections and provide for their safe-keeping. Two proposals were accepted, and the results of that work are seen in new cases, in charts, paintings, specimens, all in money value worth nearly \$3,000. The work was all done under my direction, none of the officials, myself included, receiving any compensation above our regular salary. Though much of my time too ill to work, I clung to my place until all was done; the articles loaned returned to the donors and our own collections, as well as the property acquired there, returned safely to Columbus. Nearly a year before the work began, I had been urged to take a trip to a more even and warmer climate, in the hope of recovering my health; but my heart was set on accomplishing this work, and I asked to be allowed to continue. I have not regretted staying, but I can see now it would have been better for me to have gone earlier and returned to this work, did strength permit. Then it was a very serious matter to me and to my family. We had a home fitted just as we wanted it; we had enjoyed it but two years. We were near the University, good schools, churches and in the midst of numberless friends. Going away meant, I feared, a loss of all these. But above all was my work; a life work, for which by natural taste, study and practice, I was well qualified. I left in great distress over this, and now after almost a year I fear my fears are realized. Still I do not

want to complain, and if it be God's will that my work must take a different channel, I shall follow it to the best of my ability and as long as my strength permits.

In presenting this brief resume of my work, and with it my resignation from the office of Secretary, I can only add that in all this work and in the severance of these ties, I want to express my gratitude to you and through you to all the members of the Executive Committee, to the Board and to the membership at large for your uniform kindness, patience and aid, not only for myself but for those dependent on me. It is my wish, if it seem best to the committee, to let my resignation take effect at the next annual meeting. At the same time it is in the hands of the committee to do as it seems best. I had hoped at that time to be able to return and take up my work, but it is uncertain and I must not stand in the way of what is best for the Society.

I shall not lose my interest in nor work for the Society. My only hope and prayer is that it shall go on in steadfast growth and in its work. What I have done is the only monument I want.

With great respect I remain yours very truly,

A. A. GRAHAM.

This resignation was regretfully accepted by the Executive Committee and Mr. Randall, who had been Acting and Associate Secretary until this time, was elected to fill the office of Secretary until the next annual meeting of the Society.

The Treasurer's report of the Society accompanies this secretarial report, with the report of the Auditing Committee.

Most respectfully submitted.

E. O. RANDALL, *Secretary.*

By order of the Executive Committee.

WM. E. MOORE,
W. J. GILMORE,
CHAS. PARROTT,
S. S. RICKLY.

REPORT OF THE TREASURER
OF THE OHIO STATE ARCHÆOLOGICAL AND HISTORICAL
SOCIETY, FROM DECEMBER 16, 1893, TO
FEBRUARY 1, 1895.

RECEIPTS.

Cash on hand December 16, 1893.....	\$ 57 08
Received from World's Fair Commissioners.....	178 80
" State Treasurer, for reprinting volumes 1 and 2..	1,000 00
" " for outstanding bills of 1893....	300 00
" " on appropriation of 1894-5.....	1,963 74
" sale of hay at Fort Ancient.....	20 00
" publication fund.....	280 00
" life memberships.....	65 00
" annual membership dues.....	155 00
" E. O. Randall (rebated)....	31 77
" interest on publication fund.....	30 90
Total receipts	<u>\$ 4,082 29</u>

DISBURSEMENTS.

Paid for reprinting volumes 1 and 2.....	\$ 1,000 00
" expense of placing exhibit in Orton Hall.....	95 98
" expenses incident to hanging "Landing at Marietta"..	27 00
" damages to collections at the World's Fair.....	36 00
" Commission ...	12 00
" stationery and supplies.....	6 75
" drayage and express charges.....	15 80
" advertising	24 00
" expense of public lectures.....	24 55
" clerk hire and typewriting account, 1893.....	101 20
" postage	28 00
" typewriting, 1894-5	10 00
" care of Fort Ancient.....	274 60
" salary of A. A. Graham, December 15, 1893, to February 20, 1894.....	216 66
" job printing.....	170 25
" stereopticon	30 00
" final bills on account of World's Fair.....	95 65
" salaries for 1894-5.....	1,091 66
" manuscript for volume 4.....	250 00

Paid for first installment of State Archaeological map.....	\$ 29 00
" note to Capital City Bank, given in 1893	250 00
Paid interest on above.....	7 50
Paid Mr. Gerard Fowke, in lieu of reprints	15 00
Paid the <i>Archæologist</i> , January and February, 1895	50 00
Transferred to publication fund.....	65 00
<hr/>	
Total disbursements.....	\$ 3,926 60
Balance in treasury February 1, 1895.....	155 69
<hr/>	
	\$ 4,082 29

Respectfully submitted,

S. S. RICKLY, *Treasurer.*

REPORT OF THE AUDITING COMMITTEE.

COLUMBUS, O., *January 26, 1895.*

WM. E. MOORE, *Vice President Ohio State Archæological and Historical Society, Columbus, O.:*

DEAR SIR: We, the undersigned Committee appointed by the Trustees of the Society to audit the accounts of the Treasurer, respectfully report that we have done so for the time commencing December 16, 1893, to February 15, 1895, and find the same correct and in accordance with the report of S. S. Rickly, Treasurer, showing \$4,082.29 properly accounted for, the disbursements being upon orders from the proper officers of the Society and upon proper vouchers.

CHAS. PARROTT,

A. H. SMYTHE,

Committee.

MINUTES

OF THE

TENTH ANNUAL MEETING

OF THE

Ohio State Archæological and Historical

SOCIETY,

HELD AT COLUMBUS, OHIO, FEBRUARY 19, 1895.

The eleventh meeting (tenth annual) of The Ohio State Archæological and Historical Society was held in the Library room of the State Capitol on the afternoon of February 19, 1895, General R. Brinkerhoff, the President, in the chair.

The following members were present:

B. W. Arnett.....	Wilberforce.
W. E. Moore.....	Columbus.
N. S. Townshend.....	Columbus.
Chas. Parrott.....	Columbus.
S. S. Rickly.....	Columbus.
N. W. Evans.....	Portsmouth.
L. C. Herrick.....	Columbus.
R. E. Hills.....	Delaware.
G. F. Bareis.....	Canal Winchester.
J. J. Janney.....	Columbus.
H. C. Vincent.....	Marietta.
E. O. Randall.....	Columbus.
R. Brinkerhoff.....	Mansfield.
E. F. Wood.....	Columbus.
D. H. Gard.....	Columbus.
W. J. Gilmore.....	Columbus.
Benigna G. Kalb ...	Columbus.

The minutes of the last annual (ninth) meeting of the Society were read by the Assistant Secretary, and upon motion were approved.

As the report of the Executive Committee, which was next in order, the Secretary read the report which had been prepared by him in behalf of the Society and filed with the Governor. This report, he explained, was in process of printing and a copy of it would be sent to each member of the Society when ready for distribution. The report was approved by the Society.

The term of office of five Trustees, elected by the Society, expired at this meeting. These Trustees were as follows: Gen. R. Brinkerhoff, Hon. M. D. Follett, Dr. H. A. Thompson, Hon. D. J. Ryan and Mr. R. E. Hills. On suspension of the rules, these gentlemen were unanimously re-elected to serve for the ensuing three years.

A committee of three, viz., Dr. Moore, Mr. Bareis and Dr. Townshend, were appointed to wait upon the Governor and present to him the greetings of the Society then in session and suggest to him that the sentiment of the Society was in favor of the reappointment of the Trustees whose terms expired at this time, viz., Judge W. J. Gilmore and Hon. Israel Williams. The committee reported that the Governor returned his compliments to the Society and said he would be glad to reappoint those gentlemen, as requested. He also expressed satisfaction over the work being accomplished by the Society.

The Secretary was instructed to keep a scrap book, the property of the Society, in which might be permanently preserved such historical articles as may be furnished him from different parts of the State.

The Secretary explained the situation as to the Greenville Centennial Celebration; that the Legislature had failed to make an appropriation for this purpose, but that he was in correspondence with the committee at Greenville and had pledged the co-operation of the Society, so far as it would be able to act.

Upon call for the report of the Special Committee, consisting of Messrs. Wm. E. Moore, E. F. Wood and E. O. Randall, appointed at the last annual meeting of the Society to revise the constitution, Secretary Randall stated that owing to the lack of

anything approaching a suitable constitution, the report embraced practically a new constitution.

The revised constitution, as finally adopted by the Society, is as follows:

CONSTITUTION.

ARTICLE I.

Name and Location.

SECTION 1. This Society shall be known as THE OHIO STATE ARCHÆOLOGICAL AND HISTORICAL SOCIETY. Its office shall be located and its principal business be transacted at Columbus, Ohio.

ARTICLE II.

Membership.

SECTION 1. The membership of this Society shall be divided into four classes, designated as follows: Life Members, Active Members, Corresponding Members and Honorary Members. Applications for membership shall be made to the Secretary of the Society and by him referred to the Executive Committee. Upon the approval of the Executive Committee, such applicants shall be declared members.

SEC. 2. The payment at any one time of twenty-five dollars (\$25.00) to the Society shall constitute the person so paying a life member. Life members shall be exempt from all further dues and shall be entitled to all the privileges of active membership. Any person who shall make a donation to the Society, the value of which shall be determined by the Trustees to be not less than twenty-five dollars (\$25.00), shall be entitled to life membership. Said life membership payments shall constitute a permanent fund, to be invested at the discretion of the Executive Committee. The income only of this fund shall be used by the Society for such purposes as the Executive Committee may direct.

SEC. 3. Active members shall be residents of Ohio and shall pay in advance an annual fee of three dollars. They shall be entitled to vote and hold office. They shall receive free all publications of the Society, and have free access to the museum and library.

SEC. 4. Corresponding members may be residents of any locality, and shall be persons who take an interest in the Society and its objects, and are willing to aid it by representing its interests and securing donations for its museum and library. Secretaries of historical or kindred societies whose publications are furnished to this Society may be constituted corresponding members.

SEC. 5. Honorary members shall be persons distinguished for scientific and literary attainments, particularly in the department of archæology and history.

ARTICLE III.

Government.

SECTION 1. The government of this Society shall be vested in a board of twenty-one (21) Trustees, fifteen of whom shall be elected by ballot by the Society at its annual meetings. They shall be divided into three classes, five only being elected each year to serve for three years each from the time of their election, or until their successors are elected and qualified. In case a vacancy occurs among the Trustees thus elected by the Society during their term of service, the remaining Trustees shall fill such vacancy until the next annual meeting of the Society, when the vacancy shall be filled by the Society. The other six Trustees necessary to complete the number of twenty-one (21) shall be appointed by the Governor of Ohio, as provided by the legislative enactment of April 16, 1891, two to be appointed each year to serve for the period of three years, or until their successors are appointed and qualified.

SEC. 2. The Board of Trustees shall elect a President, one or two Vice Presidents, a Treasurer, if required an Assistant Treasurer, a Secretary and Librarian, and such other officers, or agents, as the proper management of the Society may require.

SEC. 3. There shall be an Executive Committee, which shall consist of the officers of the Society, and such other members as the Trustees shall select from their own number. The Executive Committee shall have full power in the interim to conduct and administer the affairs of the Society.

SEC. 4. The Trustees may appoint such other committees as may from time to time be required.

SEC. 5. The Trustees may fix the tenure of office and compensation of all officers and agents, and may remove the same whenever the interests of the Society may demand.

SEC. 6. The Trustees may adopt a code of by-laws for the government of the Society, not inconsistent with the Articles of Incorporation and this Constitution.

ARTICLE IV.

Officers.

SECTION 1. *President.*—The President of the Board of Trustees shall be the President of the Society. He shall preside at all meetings of the Society; shall have a casting vote; shall appoint all committees not otherwise provided for; shall sign all orders drawn on the Treasurer, and perform such other duties as usually pertain to the office.

SEC. 2. *Vice President.*—In the absence of the President, the senior Vice President shall perform the duties usually incumbent upon the office of President; and in the absence of both President and Vice President, any member selected by the Executive Committee shall act as President.

SEC. 3. *Treasurer.*—The Treasurer shall receive all payments of money to the Society and receipt for the same. He shall give bond to the Board of Trustees in such amount as they may require. He shall keep accounts of all receipts and disbursements, and shall render an annual statement to the Society, and statements to the Trustees whenever they shall so require, and make out and forward all assessments and bills of the Society. He shall pay the current expenses of the Society upon orders drawn by the Secretary and approved by the President, or in his absence, by the Vice President; but he shall make no payments except upon the order of the Secretary and President, or Vice President, with the approval of the Executive Committee.

SEC. 4. *Secretary.*—The Secretary shall keep the minutes and records of the Society; give due notice of all meetings; furnish certificates to members; attend to all the correspondence of the Society, preserving all letters received and a copy of all written. He shall, on being advised of the death of a member, record the same, with the time and place of death, and report the same at the next meeting. He shall attend all meetings of the various standing committees of the Board of Trustees, and shall perform such other duties as the Trustees may direct. He shall make written report of the operations of the Society at the annual meetings, and may perform the duties of Librarian.

SEC. 5. *Librarian.*—The Librarian shall have charge of the library and museum, the care and arrangement of books,

manuscripts, papers, maps, paintings, and all other property belonging to the same. He shall properly preserve, arrange and keep them in good order, and shall prepare and keep a proper catalogue of the same. He shall keep a book in which shall be recorded all donations to the Society of whatever nature, with the name of the donor and date of receipt by the Society; and shall also carefully label such donations with the name of this Society and the name of the donor. He shall not permit anything belonging to the Society to be removed from its rooms, except as provided for in the regulations of the library and museum. He shall report at each regular meeting the donations received since the preceding meeting, and at the annual meeting shall make a full report of the condition of the library and museum.

ARTICLE V.

Meetings.

SECTION 1. The annual meeting of this Society shall be held in the City of Columbus, on the third Tuesday in February of each year.

SEC. 2. Other meetings of this Society, known as special meetings, may be held at such times and at such places as a majority of the Trustees may direct.

SEC. 3. The President, or any one of the Trustees, shall call a special meeting of the Society on the request of any ten members.

SEC. 4. Ten members shall constitute a quorum for the transaction of business.

ARTICLE VI.

Liabilities.

SECTION 1. No debts shall be contracted by the Society, nor by any of its Trustees, officers or agents in its behalf, except by vote of a majority of the Board of Trustees, or by direction of the Executive Committee.

ARTICLE VII.

Amendments.

SECTION 1. This Constitution may be amended by a majority vote at any meeting of the Society. All amendments shall be proposed in writing, and shall, if required by a majority of those present, lie over for action until the next meeting.

MEETING OF THE TRUSTEES.

The annual meeting of the Society was followed by the annual meeting of the Board of Trustees, the following being present: Messrs. Arnett, Moore, Towushend, Rickly, Hills, Bareis, Randall, Brinkerhoff, Gilmore, Smythe, Robeson. The meeting duly elected officers of the Society to serve the ensuing year, viz., February 19, 1895, to February 19, 1896. They were:

Gen. R. Brinkerhoff, <i>President</i>	Mansfield.
Rev. Wm. Moore, <i>Vice President</i>	Columbus.
Hon. S. S. Rickly, <i>Treasurer</i>	Columbus.
Edwin F. Wood, <i>Assistant Treasurer</i>	Columbus.
E. O. Randall, <i>Secretary</i>	Columbus.

In addition to the officers of the Society, who are ex-officio members, the following Executive Committee was elected:

Judge W. J. Gilmore	Columbus.
A. H. Smythe	Columbus.
G. F. Bareis	Canal Winchester.
Hon D. J. Ryan	Columbus.
R. E. Hills	Delaware.

The organization of the new Executive Committee was completed by the selection of Rev. Wm. E. Moore as permanent Chairman and E. O. Randall as Secretary.

Mr. Warren K. Moorehead was elected Curator of the museum, and Mrs. Benigna G. Kalb official reporter of the Society. Salaries of the various officers were determined, and meeting adjourned subject to call of the Secretary.

BANQUET.

The attendance at the banquet of the Society, which was held in the evening in the parlors of the Y. M. C. A., was much greater than had been anticipated. Upwards of eighty sat down to the tastefully arranged tables. The program of toasts which had been provided was presided over by Gen. R. Brinkerhoff, as toastmaster. In his opening remarks, General Brinkerhoff

said that he felt the Society had reason to congratulate itself upon the fact that a larger number were in attendance at this banquet than upon any similar occasion, indicating a growth of interest among Ohio people in the work of the Society. He quoted from a sermon on Good Government which had been published in a Chicago paper, this sentiment: "A country without wealth of noble names is poor; a people without inspiration of worthy ideals can never be great." America, he said, is great because she had great men, and Ohio is great because of her great men. One of the most important things this Society has to do is to preserve the history of these men for the elevation of the present and future generations. He deplored the lack of complete or reliable biographical histories of Ohio's Governors and other great men, and called upon President Scott, of the Ohio State University, to educate some of the young men there studying so that they might supply this deficiency. He was glad that to this Society had been given the honor of presenting to the young people of Ohio, and of the country, the embodiment of ideals represented in the statue "My Jewels," which stands on the lawn of the State Capitol.

General Brinkerhoff introduced Hon. S. S. Rickly as one of the oldest supporters of the Society, and he responded to the first toast, "Our Society." Mr. Rickly claimed the usual poetical license allowed one replying to a toast, and introduced his subject by remarking that if this was not a *royal* society, it was first cousin to it; because, if "our President is not a Romanoff, he is at least *our* Brinkerhoff." On this occasion, he said, the Society was celebrating the completion of the first decade of its existence as a society, which did not mean that it was in a state of decadence, for it was a very lively body with a bright outlook for a useful future.

Archæology, the speaker explained, treats of the origin of things, mineral, vegetable and animal, but this Society confines itself more particularly to the study of the prehistoric remains of man. He then spoke in glowing tribute of the life and works of Leo Lesquereux, describing his early investigations of nature on the mountains of his native Switzerland, and following his migration to this country, and his settlement in Columbus, where

he remained a loved and honored citizen to the time of his death. Mr. Rickly suggested that the Secretary of the Society, Mr. Randall, was thoroughly capable of preparing a history of Ohio and her great men, such as General Brinkerhoff wanted, and hoped he might soon furnish such a history as would answer all requirements.

Mr. Rickly's remarks were followed by hearty applause, after which President Scott, of the Ohio State University, was announced to respond to the toast, "Relation of the O. S. U. to the A. and H. Society."

President Scott, in opening, told of the arrival in this city several years ago of two old gentlemen, who, in their search for a lodging, wandered into the State Capitol, and introducing themselves as Mr. R. K. Ology and Mr. H. I. Story, asked for accommodations. A small space had been rather grudgingly allotted to them for a while, but they were soon given to understand that their room was wanted for other purposes. They were then obliged to find other shelter for themselves and the treasures they had been busily engaged in collecting, and in a stroll on North High street one day saw the two new buildings being erected on the O. S. U. grounds. Upon inquiry they found that one was intended to accommodate the Museum of Geology, and they decided that this was the place for which they were looking. An interview was sought with the Trustees and arrangements made by which their possessions were transferred. Quarters were found which were well adapted to the needs of one and temporary accommodations were given to the other with the expectation of doing better for him later. So that, President Scott thought, the subject assigned to him was a fitting one. A university, he said, covers a great deal; indeed, is larger by two syllables than the *universe* itself. The Ohio State University aspires to great things, but the name, it must be admitted, is larger than the thing itself. While it hopes to be more than it is, it really covers much ground; he could not himself enumerate all the things which it teaches or discusses. With all the subjects included in its curriculum, why should it not include archæology and the study of history of the great State of Ohio and of the men who have honored it? The Ohio State University

and the Archæological and Historical Society should co-operate in carrying on the study of the historic and prehistoric periods of the territory within which both are included. In closing, he said: "Let us to-night clasp hands a little closer and go on to this great task before us of building up a university and a society that shall not be less than the greatest, not a whit behind the foremost, in the West or in the East."

That this sentiment was endorsed by those present was emphatically demonstrated by the applause which followed the conclusion of Dr. Scott's remarks.

The next speaker scarce needed an introduction to the assemblage, and claimed the most interested attention throughout his entire discourse, frequently causing much merriment by his skeptical allusions to the traditions of "old settlers" regarding the existence of wonderful silver and lead mines in Ohio in pioneer time, and other stories of equal credibility.

In replying to the toast, "The Early Geologists of Ohio," Prof. Edward Orton said, that in choosing this subject, the Secretary had evidently not taken heed of the double name and nature of the Society. Had he done so, he would have embraced the opportunity to indicate the archæological and historical character of its work by making the subject include not only the *early* geologists of Ohio, but the *earliest* geologists of Ohio. The speaker, however, would divide the subject on this basis, and before coming to the early geologists of Ohio he would speak briefly of the earliest workers in this important and interesting field. This order, he adopted, because Archæology comes first in the title, of which fact he hoped the Secretary would make proper note for future guidance on like occasions.

As *earliest* geologists, he referred to the discoveries made and work accomplished by the Indian occupants of the country preceding us. They were too close to our own time for the application of either the term "prehistoric" or "pre-Columbian," being removed but two or three generations from to-day.

If even a tithe of what the speaker had heard of the knowledge and work of these aboriginal geologists is true, they are suffering great injustice at our hands; it would even seem that a "conspiracy of silence" had been entered into in regard to what

they accomplished. While the information on these subjects was not strictly first hand, it comes from sources which archæologists and historians are bound to respect. From the old and respectable citizens—from the oldest and most respectable citizens, as the newspapers put it, of their several neighborhoods; from the oracle of the cross-roads, grocery or country tavern; from the grey-haired sage who was brought into this particular "neck of the wood" when he was "a child in arms," or certainly not later than when he was a "chunk of a boy," and who recalls with perfect distinctness the personal testimony of old man Smith, or Jones, or Robinson, who in his turn had lived in the country while the Indians were still here, and probably had been taken prisoner by them, in some of the unpleasantnesses of that early day, and had been detained among them for months or years. If the stories which these venerable narrators tell of the possession of mineral wealth ever underwent the evolution which philosophers tell, all things in heaven and earth are bound to pass through, it must have been far in the past, for they have not been changed for generations, at least. The stories are precisely the same in Ohio, Indiana and Kentucky, and presumably in all the other States as well.

The particular kinds of mineral wealth in the States that were specialties with the Indians were undoubtedly lead and silver, and in regard to these, they were experts of a high order. A record of an aboriginal discovery, in which one or both these elements did not figure, would be considered as decidedly off-color,—base-metal, as it were. They would lack the genuine ring. On the basis of information named, only one hundred years ago, the silver and lead mines of the Indians could be counted by the score, or hundred, within the limits of the State. But with all our explorations and expenditures on geological surveys, not a single silver or lead mine is to our credit to-day, and we have given up looking for either. The lead and silver mines of our aboriginal geologists were located indifferently in rocks of Lower Silurian, Upper Silurian, Devonian, Subcarboniferous, or Carboniferous age, in limestone, shale, sandstone and conglomerate. They seem to have borne a definite relation to the topography of the country, and may surely be found where

there is anything in the rocky strata abnormal or unusual. All that is necessary to conviction in this regard, is to consult the proper authorities already referred to, viz., the oracles of the neighborhood. Too often, however, these localities can only be identified by the old men who were taken prisoners by the Indians, and as was usual, carried to the mining camp and back again with bandaged eyes, the bandages being removed only while they were in camp. Therefore, the old men can never be just certain about the *particular* ravine in which the mining and smelting that they saw were carried on.

In closing, Professor Orton proposed the following sentiment, in which he asked the Society to join, viz.: "The aboriginal geologists and miners of Ohio, and the oldest inhabitants who are keeping alive the memory of their wonderful work:—May the former rest from their labors, and may the latter also be allowed to *lie* in peace." [Applause.]

Mrs. J. A. Shawan, in response to the toast, "Women as a Factor in Ohio Politics," took a decided stand in behalf of suffrage for women. She said, whether woman will or will not become a factor in Ohio politics, is for her alone to determine. It is true, a greater part of our women have not tried to inform themselves on questions pertaining to our government, both from lack of time and lack of interest. But when the women of Ohio, and of every American State, once make up their minds that they *will* understand these vital questions, it may be depended upon that very little will escape their curious, questioning search.

She quoted a bit of rhyme—

"Lost. Somewhere between eighteen forty
And eighteen ninety-two,
The good, old-fashioned damsel,
Such as our grandsires knew.
Lost, strayed away or stolen,
Gone from the world's wide view,
One good, old-fashioned young lady,
Modest, and simple and true."

She thought this young lady had been neither lost, strayed away nor stolen, but is with us to-day, just as modest and simple and true, as she was in our grandsire's time. True, she has.

added to these God-given virtues, *knowledge*, and has grasped the opportunities which have been placed within her reach, and to-day she reigns with becoming grace and dignity in thousands of American homes, in our schools and colleges, in our courts and offices. In the near future, when called upon to cast her ballot, she will not necessarily need to duplicate her father's or husband's vote,—she will know how to vote for herself. If, by entering politics, the Ohio woman is made to think the less of her home, her husband, or her children; if she is to become unlady-like, hard or cruel, it is not wanted. But if by her influence she is able to make the affairs of our great State purer and more Christian-like, the door is being opened—why shall she not enter? In Louisiana, where women vote for members of school board, and are voted for such as members, the State Superintendent of Schools says they make good economists, and perform all duties conscientiously and zealously. In Wyoming, the advent of women in the elections has made them quiet and orderly. The Ohio woman has a charming modesty, and does not like to appear bold and conspicuous, yet she likes to be called independent. Her influence, which has constantly been felt in home and public life, cannot help but play an important part in our State politics.

Concluding, she said: "Perhaps we do shrink from it, yet when the proper time comes, if woman's vote seems to be the one thing needful, surely our Ohio women will not be found wanting. And when we listen to the roll-call in the future, the questions will not be, 'Where are our women?' but 'Where, O, where are our men?' And echo answers—'*No where.*'"

That the sympathy of the audience was with Mrs. Shawan in her discourse, was evidenced throughout and at its conclusion by generous applause.

Miss Anne Virginia Culbertson rendered a dialect recitation entitled "Buckeye Folks," which was well received.

Following this, Judge W. J. Gilmore presented some interesting facts gleaned from a study of Fort Ancient in an entertaining manner, and was warmly applauded at the close of his response to the toast, "Fort Ancient."

He stated that his was an object lesson, and he would like

to be able to show the length and breadth of the object, but had been admonished, when asked to make an address, that on account of the Governor's reception at this same time, he must "cut it short." The idea of cutting Fort Ancient short was in itself ludicrous, for in such an event, the persons who had constructed those great works must be consulted. But these people, like an animal of which Mr. Lincoln was fond of telling, had gone into their hole and pulled the hole in after them, and it was expecting a good deal of a man of his physique to pitch in and dig down to those fellows and get the hole out.

The work which has been done at Fort Ancient compares favorably with the pyramids of Egypt, of the history of which the world is full. Yet so little interest has been taken in it by Ohio people that the walls have been allowed to be plowed over in places and partly obliterated. Yet, where untouched by the plow, they stand firmer than the hills, unaffected by the elements.

The people who constructed this work were undoubtedly a great people and perfectly capable of controlling a great government. It is the work of the archæologist to trace the connections of this fort with other portions of the great West and find, if possible, the limits of the government of which this evidently was the capital. Connection has been traced to the works in Licking County, and it is thought can be established between Fort Ancient and the great Indian works in Ross County and a fort at the confluence of Twin and Banta creeks, in the heart of Preble County. At the last named place advantage had been taken of the steep banks, the fort consisting of an arc drawn from one bank to the other; and lines were yet discernible, showing that a building, 300 x 200 feet, had been built inside this arc of the bowlders which were here furnished plentifully to their hands. There is also evidence of a shaft having been sunk by these people on the Twin Creek side, by which they could reach water-level without being exposed to danger.

It has been ascertained, to the satisfaction of some at least who had studied Fort Ancient, that the unit of measurement of these people was 22 feet, all their distances, of which the speaker instanced several, being either 22 feet or multiples of it. In speaking of the question of water supply at Fort Ancient, Judge

Gilmore said he thought Dr. Orton had reference to some of the legends of that neighborhood when he spoke of lead mines, etc., for it was current tradition that the whole fort was undermined in such a way as to have furnished an immense population with water found in these water-ways; but this story had not yet been verified.

When it is considered that at command of shovel and pick northern Africa and western Asia are yielding up their treasures, the people of Ohio ought to be interested in the investigation of Fort Ancient. From an examination of a specimen skull of these people, it is evident that they were a race different from the Aborigines found here on the discovery of America, 400 years ago; but they were a quiet, domestic people, inhabitants of a government partly, at least, civilized.

Gen. Geo. B. Wright, who had been invited to prepare a response to the toast, "War Governors of Ohio," was unable to be present, and his address was read by the Secretary of the Society, Mr. Randall.

General Wright had been intimately associated with Governors Dennison and Tod, and of the former said that he was a man of vigilance, great industry and unsurpassed patriotism in the administration of the affairs of his office. His efforts as a zealous supporter of President Lincoln did not cease with his term of office, but he was often called on by his successor, Governor Tod, to undertake important missions to Washington and perform other valuable service.

Governor Tod was a man of pure and patriotic motives. Throughout his term of office he was vigilant and active in promoting the interests of the Federal government and looking after the Ohio soldiers in field and hospital. His loyalty and patriotism were of the very highest order. To his own eulogy of Governor Tod General Wright appended a copy of a joint resolution passed by the General Assembly of Ohio, January 18, 1864, in tribute to the Governor.

Of Governor Brough he had little to say. Before his nomination the Governor, who was then manager of the Cleveland, Bellefontaine and Indiana Railroad Company, had refused to carry sick and wounded soldiers to and from their regiments at

the rate of two cents a mile, as all other roads had agreed to do, but insisted upon charging the full three or three and a half cents. On this account General Wright had quarreled with Governor Brough, and while not doubting his ability, he doubted if he had any heart.

Mrs. Abram Brown entertained the audience with a delightful talk about "The Pioneer Woman of Ohio," her address abounding in beautiful, poetically-clothed thoughts, being listened to with evident pleasure by those present.

She commenced by saying: "There is no beauty like that of morning. The splendor of noon, falling upon a world alive from center to circumference, the majestic, peaceful glory of evening, conscious of the coming night, have not the mysterious, tender beauty of dawn, when hope and joy are born."

Did the pioneer woman lack opportunities? She was often called upon to defend life, liberty and pursuit of happiness at the point of a bayonet, though she did not hold in her hand that which is supposed to bestow this inestimable privilege upon her sex—the ballot. She did not dream of the pulpit, bar or scalpel, yet in many homes far from sound of church bells, the altar fires burned clear and strong, ignorant of the common law of Ohio, her words of subtle eloquence have been known to turn aside the deadly tomahawk; in cabin, fort and stockade her skillful, devoted, intelligent care brought scores of sick and wounded up from the Valley of Death.

The speaker thought the pioneer woman needed no pity for her lack of higher education, for she found—

"—tongues in trees, books in running brooks,
Sermons in stones and good in everything."

Neither did she deserve sympathy because the art galleries of Europe were not available to her, for the vast panorama of Nature was hers—before whose miracles of form and color the hand of a master falls helpless. She did not live to hear the mighty music of that master of harmony, Richard Wagner, but hers was the symphony of storm and forest, the choiring of myriad birds mad with the joy of morning. The pioneer woman was free from the tyranny of clubs, clothes and coal smoke, of

clamor for the ballot, and from the complexity of modern civilization.

"All honor to the pioneer woman of Ohio! Many were the opportunities—though they had not the ballot—and mightily they took possession of them. Perhaps they realized more perfectly than some of their descendants that the power behind the throne is mightier than the throne itself."

Mr. Tod Galloway, who was called upon to respond to the toast, "Ohio's Congressmen During the War," presented a resume of Ohio's able representatives during the period named, touching briefly upon the chief characteristics and service of each.

After referring to the "embarrassment of riches," which he found to be his, even when his subject had been curtailed to include only "Ohio Congressmen *during the war*," though originally embracing *all* Ohio Congressmen, he said:

"We are proud of our State. We are wont to boast of its achievements. If I mistake not, this banquet this evening is a sort of Buckeye 'jolly.' There have been many and great deeds performed by gallant and brilliant men, both with sword and pen, in this country; and when the balance sheet is struck of good accomplished, of emergencies met, and of lasting results for the prosperity of our country, Ohio will be found to have furnished more than her quota. When we turn back the pages of our history to the record of the dark days from '61 to '65, there is no State in the Union that can point with greater pride to the work done by her representatives in the halls of Congress in stemming the tide of disunion and secession and holding up the hands of Abraham Lincoln, who, like the Moses of old, led his people with a confidence and faith—a courage which at times we lacked—through the dark period of trial and tribulation, only to die when about to see the promised land of peace and prosperity."

Mr. Galloway depicted briefly the events which preceded the actual breaking out of the war, and proceeding, repeated Blaine's statement made in his "Twenty Years in Congress," in referring to the war period, that "No other State was in the aggregate so ably represented as Ohio."

Recalling the names of the more prominent of Ohio's representatives during the war, the speaker mentioned as the oldest in service on the Republican side John A. Bingham, who was an effective debater, well informed, ready and versatile. Next was Samuel Shellabarger, distinguished for the analytical and logical character of his mind. Valentine B. Norton was an authority on all questions of finance and business. To James M. Ashley belongs the credit of having made the first proposition in Congress to amend the Constitution so as to prohibit slavery throughout the United States. George H. Pendleton was the leader on the Democratic side. Samuel S. Cox was gifted and witty, and a valuable authority on foreign affairs. Thomas Corwin was distinguished for his towering intellect, John A. Gurley for his unflinching patriotism, and others who served well their State were Richard A. Harrison, Cary A. Trimble, Edgerton Blake, Riddle, Cutler and William Allen.

"No Congress, save the first in the history of this government, ever met under such conditions of uncertainty, of trial, tribulation and danger as confronted the Thirty-eighth. Ohio had added among others two bright stars to her list of Congressmen, who have since become national names—Robert C. Schenck and James A. Garfield." Schenck was noted for keenness of perception, extraordinary rapidity of analysis, and remarkable power of expression.

"James A. Garfield, after the most perilous service and conspicuous gallantry in battle, after the famous ride at the battle of Chickamauga, was sent to Congress to represent the Nineteenth District. Eloquent, able and earnest, he at once took front rank in the important discussions in the House. In the debate on the proposition that three-fourths of the State had the right to amend the Constitution Garfield made a speech of historic interest."

Speaking of the two war Senators, Mr. Galloway said: "One, crowned with years and honors, still serves Ohio in the Senate, John Sherman. Comment on his services is unnecessary. The other was bluff Ben Wade, foremost among all the brave hearts who surrounded and upheld the government, and never, in all the gloomiest hours, did he once despair of the Republic."

"All honor to those men who, by their work and labors, their patriotism and fidelity in public trust, have honored Ohio."

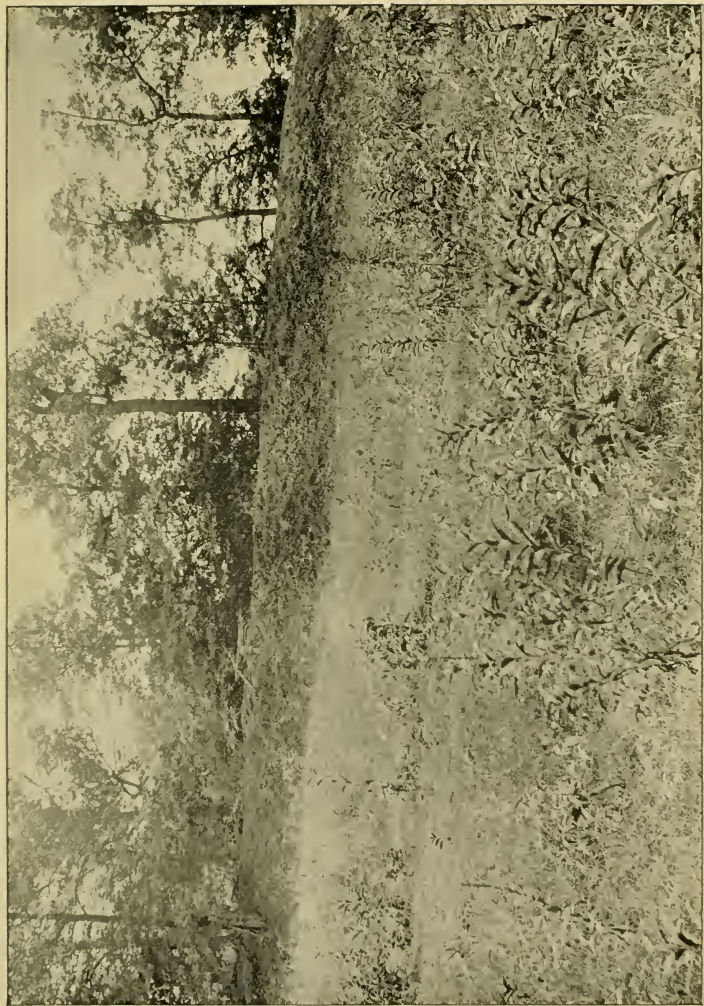
To Bishop B. W. Arnett was assigned the subject, "The Colored Man in Ohio."

He said that when the invitation to speak upon this subject first reached him he had wondered why Mr. Randall should have thought him capable of speaking upon such a subject, but supposed he must have heard that when he (Bishop Arnett) was small he had played with colored boys and had lived with a colored family, and had judged from these facts that he would know something about them. He had then gone to the old colored man, and to the young man, to find what each wanted him to say on this occasion. The old colored man, he found, was grateful for freedom—that was the height of his ambition. The young colored man, on the other hand, wanted "everything in sight," everything the white man had. One represented the past and the other the future. The old colored man was doing the best he could under the circumstances of his early training and environment. The young colored men are doing just what the young white men are doing; wherever you find a white man you find a colored man close at hand. Some are going to church, some to school, and some are going to jail.

Professor Moorehead was collecting jewels of the past, and General Brinkerhoff had, in the form of a statue, collected the jewels of the present age; but he gave notice that by the next hundred years they would have a black jewel for the other corner. They were going right to work and would have him ready and he hoped he would come from Greene County.

He had not time in the space allotted him to tell all that the colored man of Ohio was doing. He is ambitious, loves office and never lets one escape him. For a number of years there has been a colored member in the Legislature. There were better chances for the colored man in Ohio than anywhere else; the school system is better and the rights of the race more fully recognized. (Applause).

Professor Moorehead followed with a brief talk on "Archæology of Ohio." There are two schools in Ohio, he said, of archæology, the practical and the theoretical, or the new and the



600 FEET OF EMBANKMENT, WEST SIDE, NEW FORT ANCIENT.

old. Nearly all archaeologists of to-day belong to the practical school and there are scarcely a half dozen representatives of the old school. It is the office of this new school to explore, to preserve specimens properly recorded in fire-proof buildings, to compare the types of man's handicraft of one section of the country with those of another, to survey and photograph and study the enclosures, fortifications, village sites and tumuli of ancient man of both the Americas. Its work is covered by the term anthropology, the study of man.

This Society confines its work largely to the pre-historic tribes of Ohio and the Ohio Indians, and has a field unequaled by that of any other section of America. It should remember in projecting its important work among the ruins of past ages to exhibit the careful, analytical, scientific spirit and avoid anything which savors of charlatanism. It can do no better than follow the work of such men as Brinton, Putnam and Holmes.

To understand the daily life of pre-Columbian man in Ohio one only requires extensive field work, large excavation and careful comparison to learn facts which are not apparent from the surface and could never be known by regarding these monuments externally.

Having this important and interesting field, it should be explored and studied, preserving the relics of our predecessors. The subject of archæology is not dry and dull, and he urged its study upon the people of Ohio.

Dr. W. E. Moore responded in regard to the "Value of Personal History," as follows:

Our work is not confined to archæology, important as that is, and is becoming more and more important as time and vandalism is fast destroying the sources of our scientific knowledge in the works of the pre-historic races.

We are also a historic society, and here our aim is not so much to collect the histories, especially of our own State and of the Northwest Territory, which are already written, as to collect and preserve the sources of such histories as are yet to be written. These sources are to be sought and found in the homes of our people in the shape of letters, diaries and journals of the early settlers and their descendants. They are to be gathered

from the newspapers cotemporary with the events they narrate. They are to be looked for in historical addresses and sermons, such as were suggested by the Centennial of 1876, of which there are many hundreds, if not thousands, lying in drawers and closets awaiting the annual besom of house-cleaning, if not rescued and preserved by some such agency as ours. There may be many bushels of chaff, but through these are scattered many grains of golden wheat which the future historian will prize as fixing some date, or identifying some names, or explaining the connection of isolated facts.

The recent revival in our country of genealogical research and family histories is significant of the interest taken by our people in tracing the rivulets and streams which, coming down from the mist-covered mountains, unite their hundreds of rills in the stream which flows at their feet and which flows on, uniting and commingling with other streams, toward the ocean of a common humanity which holds in its bosom every drop which has fallen in the ages past. We want that those who come after us, in our own line, shall be able to trace the converging streams of their descent to those whose fidelity to duty, to God and man, gave their tribute to the sum of religion, patriotism, good government and education and freedom, which is the heritage of Ohio, derived ultimately from Anglo-Saxon, Teuton, Huguenot — through England, old and new, Scotland, Ireland Holland and France.

We want to gather, collate and preserve these rills or even drops of history which may add to our knowledge of our own people, and show the future historian of Ohio why she has been so blessed of God with great and good men and women, and why she has so prospered in material wealth. "There were brave men before Agamemnon," but their memory has perished because they lacked a historian.

The speeches were fittingly closed by a soprano solo entitled "The old Buckeye State," rendered by Mrs. J. F. McNeil

HONORARY AND LIFE MEMBERS OF THE SOCIETY.

HONORARY MEMBERS.

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| *Baird, Prof. S. F., Washington, D. C. | Nicholson, Jno. P., Philadelphia, Pa. |
| Bancroft, Hon. Hubert Howe, San Francisco, Cala. | Putnam, Prof. F. W. Cambridge, Mass. |
| De Reune, Mrs. Mary, Augusta, Ga. | *Smucker, Isaac, Newark. |
| Gladden, Washington, D.D., L.L.D., Columbus. | Winslow, Rev. Dr. Wm. Copley, Boston, Mass. |
| *Howe, Henry, Columbus. | Whittlesey, Col. Chas., Cleveland. |

LIFE MEMBERS.

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|---|--------------------------------------|
| Barney, E. J., Dayton. | Morrison, Rev. N. J., Marietta. |
| *Brown, Benjamin S., Columbus. | Moses, Dr. Freeman F., Urbana. |
| Burgess, Solon, Cleveland. | Neil, Robert E., Columbus. |
| *Collins, W. A., Toledo. | Ohio University, Athens. |
| Cooper, Dr. Albert, Columbus. | Perkins, Henry B., Warren. |
| Curry, James, San Francisco, Cala. | *Peters, O. G., Columbus. |
| *Cutler, Rev. Carroll, Charlotte, N. C. | *Pocock, Dr. Eli D., Shreve. |
| Dahlgreen, John V., New York. | Prince, Prof. B. F., Springfield. |
| Dana, Wm. F., Belpre. | *Sessions, F. C., Columbus. |
| *Falconer, Dr. Cyrus, Hamilton. | Shepard, Dr. Wm., Columbus. |
| Ferris, Aaron A., Cincinnati. | Sinks, George W., Columbus. |
| Garfield, Mrs. Lucretia R., Mentor. | Smith, George P., Philadelphia, Pa. |
| *Gordon, W. J., Cleveland. | Smith, Hiram R., Mansfield. |
| Harris, Stephen R., Bucyrus. | Strong, W. L., New York. |
| *Harvey, Hon. Thos. W., Painesville. | Swayne, Noah H., Toledo. |
| *Hayes, Gen. Rutherford B., Fremont. | Thomas, Gen. Samuel, New York. |
| Holden, L. E., Cleveland. | Thresher, Brainard B., Dayton. |
| *Jewett, H. J., Lansdown, Md. | Thresher, E. M., Dayton. |
| McCurdy, Robert, Youngstown. | Vincent, O. B. Austin, Nev. |
| McGettigan, J. E., Indianapolis, Ind. | Ward, J. Q. A., New York. |
| McMillan, Prof. Reuben, Canfield. | *Wetmore, P. M., Columbus. |
| Matthews, E. B., Cincinnati. | White, Hon. E. E., Columbus. |
| Miami University, Oxford. | White, Henry C., Cleveland. |
| Miller, John, Marietta. | Wooster University Library, Wooster. |
| *Miles, W. Y., Columbus. | |
| Moore, C. N., Clinton, Ill. | Wright, Prof. G. Frederick, Oberlin. |

SKETCHES OF LIFE MEMBERS.*

ANDERSON, JAMES HOUSE.—Born March 16, 1833, at Marion O. Son of Judge Thomas Jefferson Anderson and Nancy Dunlevy. Educated in public schools and the Marion Academy, and Ohio Wesleyan University. Graduated from law department of the Cincinnati College in 1854; immediately began practice. Elected Mayor of Marion in 1855, and later Prosecuting Attorney of the county. Married in 1856 to Princess A. Miller. Appointed, March, 1865, by President Lincoln, United States Consul at Hamburg. In 1878, appointed by Governor Bishop Trustee of Ohio State University. Member of Victoria Institute, or Philosophical Society of Great Britain. Residence, Columbus, O.

ANDREWS, JOHN W.—Philanthropist and jurist. Law partner of Judge Joseph R. Swan. He was a member of the thirty-seventh Ohio Legislature, and for many years President of the Ohio State Board of Charities. President of the Board of Trustees of the Columbus Public Library from the date of its organization in 1872, until 1890. Established the Andrews Alcove in said library in memory of his deceased son, John W. Andrews, jr. Was a member of the first Board of Trustees of the Starling Medical College, the Trustees being selected in 1848, by Lynn Starling, founder of the institution. Died at Englewood, N. J., October 29, 1893.

ARNETT, BENJAMIN WILLIAM, D. D.—Born March 6, 1838, at Brownsville, Fayette county, Pa. He was licensed to preach March 30, 1865, by Rev. J. D. S. Hall, of the Baltimore Conference, and preached his first sermon April 9, 1865, at St. Paul's A. M. E. Church, Washington, D. C. Was appointed to Walnut Hills, Cincinnati, O., April 19, 1867; received certificate to teach school December 19, 1868, and until 1871 taught school part of the time, in addition to his pastoral work. Was a member of the National Equal Rights League, Syracuse, N. Y., 1864, Frederick Douglass, President; and also of the Equal Rights convention held at Cleveland, O. In 1863 he was appointed recruiting agent by George L. Stearns, Assistant Adjutant General United States Volunteers. In June, 1865, organized

*It was intended to publish sketches of all the life members in this volume. Only those are herewith printed that were received in time for publication.

Grand United Order of Odd Fellows, at Brownsville, Pa.; member Free and Accepted Masons. Elected to Ohio Legislature to represent Greene county in 1886-87; author of the bill abolishing the "Black Laws" of the State, and one to provide for teaching of scientific temperance in the schools. For eight years he edited the *Budget* of the A. M. E. Church. He is now Presiding Bishop of the States of South Carolina and Florida of the A. M. E. Church; President of Board of Trustees of Allen University, Columbia, S. C., and of the Divinity High School, Jacksonville, Fla.; Vice President Board of Trustees and Executive Board of Wilberforce University; Trustee of Ohio Normal Industrial School, Wilberforce, O. Trustee of Ohio Archæological and Historical Society.

AVERY, ELROY MCKENDREE, Ph. D., LL. D.—Elder son of Caspar Hugh and Dorothy (Putnam) Avery; born at Erie, Monroe county, Mich., July 14, 1844. He enlisted as a private at the beginning of the war and was finally mustered out, at the end of the unpleasantness, as sergeant-major of his regiment, the Eleventh Michigan Cavalry. In 1870, he married Miss Catharine Hitchcock Tilden, the elder daughter of the Hon. Junius Tilden. In 1871, he was graduated from the University of Michigan and became superintendent of the schools of what soon became the "East End" of Cleveland, O. For the prior eight years he had been correspondent or editorial writer for the *Detroit Tribune*; for the following eight years he was engaged in school work. In 1878, Sheldon & Company, of New York, published his "Elements of Natural Philosophy," following it with a complete physical science series; in 1895, they issued his latest work, "School Physics." For several years he was engaged in organizing electric lighting companies. For the last eight years he has been actively engaged in historical authorship. He is a life member of this Society, of the Western Reserve Historical Society, and of the American Economic Association; a Fellow of the American Association for the Advancement of Science; a member of the American Historical Association, and many similar societies. He is now (1895) a member of the Ohio State Senate.

BAREIS, GEORGE F.—Eldest son of George and Ernstena (Finkbiner) Bareis, born July 23, 1852, near Bremen, Fairfield county, O. Father, miller by trade, was native of Wittenberg, Germany, as were also grandparents on maternal side. In 1854, removed with his parents to Empire Mills, one mile west of Canal Winchester, O. Educated in district school and public schools of Rock Mill, Fairfield county, Amanda and Logan, O. In fall of 1868 removed to Canal Winchester, and a few years later his parents moved to Kansas. In spring of 1871, began an apprenticeship in carpenter and joiner trade, also studying architecture. For a number of years em-

ployed in planing mill of Mr. John Helpman, at whose death he purchased the lumber yard and mill, where he has since engaged in business. Married, March 17, 1875, to Amanda J. Schoch. In politics is a liberal Democrat. Member of Board of Education, Canal Winchester, for ten years; President of Board for seven years. Member of Board of Regents of Heidelberg University. Superintendent of Reformed Sunday School for fifteen years, and active in village affairs. Enthusiastic student of history and archæology, having collection of some seven thousand specimens of stone implements, and library of about one thousand volumes, many of them rare. Trustee of Ohio State Archæological and Historical Society.

BARTHOLOMEW, GEORGE K., A. M., Ph. D.—Son of Noah and Mary Freeman Bartholomew, was born at Hartford, Windsor County, Vt., July 4, 1835. Both his grandfathers served in the Revolutionary War, notably in the battles of White Plains, Trenton and Princeton. William Bartholomew, the earliest ancestor of the family in New England, came from London to Boston September 18, 1634, and settled in Ipswich. His son, Lieutenant William, settled in Branford, Conn. From him Noah of the sixth generation was born September 20, 1800, died March 19, 1871. Mary, his wife, survives (July 4, 1895), at the age of 93. George prepared for college at Newberry Seminary, Vt., and was graduated from Dartmouth with distinction in 1858. Entering immediately upon his chosen profession, he came to Chickering Institute, Cincinnati, in 1860, as head Latin and Greek teacher, which position he held fifteen years. In the meantime he wrote a Latin Grammar, "Graded Lessons in Latin" and edited Cæsar's Gallic War. In 1875 with Mrs. Bartholomew (*nee* Helen J., daughter of Rev. B. R. Hoyt, N. H.), he established the English and Classical School for Girls, Cincinnati. He joined the Cincinnati Literary Club in 1868, is a member of the American Philosophical Society, Junior Warden of St. Paul's P. E. Church and Trustee of the Associated Charities of Cincinnati.

BRICE, CALVIN STEWART.—Born September 17, 1845, at Denmark, Ashtabula County, Ohio. At thirteen years of age (1858) while relying upon his own exertions for support, became a member of the Freshman class of Miami University, Oxford, Ohio. At the breaking out of the war he enlisted in a company of students, organized for garrison duty in the State, and served therein at Camp Jackson, Columbus. In 1861 he served three months with a second company of students in West Virginia. He returned to Oxford where he remained until 1863, when he graduated, and went to his home at Lima, Ohio. Here he taught in the public schools, but subsequently raised a company in Allen County, and as captain led it to Columbus where it joined the 180th regiment of Ohio infantry, and

served to the end of the war. After a course in the law department of the Michigan University at Ann Arbor, Mr. Brice was admitted to practice in the Federal courts and the State courts of Ohio in 1866. He early abandoned, however, the general practice of law and directed his attention to railroad construction and control. He was one of the Democratic presidential electors in 1876 and again in 1884; was delegate at large from Ohio to the Democratic National Convention of 1888 and in 1889 was Chairman of the Democratic National Committee; elected by the Ohio Legislature in 1890 United States Senator from Ohio for the full term of six years from March 4, 1891.

BRINKERHOFF, ROELIFF.—Born June 28, 1828, at Owasco, Cayuga county, N. Y. The Brinkerhoffs were one of the oldest Knickerbocker families of New York. Educated in the common schools of Owasco, the Academy of Auburn, and at Homer, N. Y. Began as school teacher, and at nineteen was private tutor in the family of Andrew Jackson, Jr., at the Hermitage, in Tennessee. In 1850 entered law school at Balston Spa, N. Y., and completed law studies in office of Hon. Jacob Brinkerhoff, at Mansfield, O. Entered army 1861 as First Lieutenant 64th O. V. I., served through entire war, and mustered out October 1, 1866, as full Colonel and Brevet Brigadier-General. Practiced law till 1873, when he became Cashier of Mansfield Savings Bank, and is now its Vice President, President National Conference of Charities and Correction; President National Prison Congress and representative of the United States Government to the International Prison Congress, Paris, June, 1895; Chairman Ohio Board of State Chairities; member Society Sons of American Revolution; Trustee and President Ohio State Archæological and Historical Society.

BROWN, THOMAS J.—Born near Bellbrook, Green County, Ohio, August 15, 1833. Received his education in the common schools, academy and a partial course in Wittenberg College. By the death of his father, he was early called to assume cares and responsibilities which prevented the further prosecution of his studies. In 1861 he married Sophia A. Stinchcomb at Baltimore, Md. Early in life he turned his attention to the study of geology and archæology and served as local geologist for his neighborhood during the progress of the Ohio survey of 1870. About that time he became a corresponding member of the Maryland Academy of Sciences, to which he contributed papers on geology and archæology. Since 1880 he has been editor of the *Miami Gazette*, Waynesville, Ohio, in which work he has been ably assisted by his wife.

BRUEHL, GUSTAV, M. D., LL. D.—Born in Herdorf, a village of Rhenish Prussia, May 31, 1826. After having attended several colleges and universities he emigrated to the United States and settled in Cincinnati, Ohio, in 1849, where he practiced medicine until 1892. For a time was physician to St. Mary's Hospital; is a member of the Cincinnati Academy of Medicine; of the Ohio State Medical Society; the American Medical Association and a number of scientific societies. Nominated by the Democratic party in 1871 as Treasurer of State and in 1876 as presidential elector; a member of the Board of Trustees of the University of Cincinnati and of the Board of Examiners of Public Schools. Published a work on the semi-civilized peoples of ancient America and a volume of poems (*Songs of the Primeval Forest*), and two epics: "Charlotte" and "The Heroine of the Amazon;" has written many articles for medical, scientific and literary journals. Since giving up his practice he is engaged in literary work. He has traveled extensively in Europe and through the whole American continent.

CLARKE, ROBERT.—Born in Annan, Dumfriesshire, Scotland, May 1, 1829. Removed with his parents to Cincinnati, Ohio, 1840; educated at Woodward College, and became a bookseller and publisher in that city. Edited "Col. George Rogers Clarke's Campaign in the Illinois in 1778-79" (Cincinnati, 1869); James McBride's "Pioneer Biographies" (1869), "Captain James Smith's Captivity with the Indians" (1870); and is the author of a pamphlet entitled "The Prehistoric Remains which were found on the Site of the City of Cincinnati, with a Vindication of the Cincinnati Tablet" (printed privately, 1876).

CONGER, ARTHUR L.—Born February 19, 1838, Boston, Summit County, Ohio; son of John and Hannah (Beales) Conger. John Conger removed to Ohio from Vermont in 1833. The family trace their descent to Deacon Job Conger, who came to America from England early in the seventeenth century. The subject of this record spent his early life on the farm, later working in a flouring mill, attending district school during the winter months. Afterwards taught school for a number of years. Enlisted at the outbreak of the War of the Rebellion as a private in the 115th Ohio Volunteer Infantry; was elected second lieutenant and mustered out in 1865 with rank of captain. At the close of the war, his service having been mostly spent in important detached duty, he returned home and taught a term of school at Peninsula, O. During 1866-1870 served as Treasurer of Summit County, having been elected on the Republican ticket. These duties required his removal to Akron, where he now resides. Since 1871 he has been continuously engaged in extensive manufacturing interests, while at the same time devoting much time and labor to public affairs, local, state and national. He was for years Treasurer of the city of Akron,

an active member of the Public School Board and its Secretary. In 1881 was elected and commissioned Colonel of the 8th Regiment Ohio National Guard, with 6th Battery attached. He was one of the early workers in the Grand Army of the Republic, and in 1886 was chosen Department Commander of Ohio. He is a member of the Loyal Legion, the Society of the Army of the Cumberland and is a thirty-second degree Mason. Has served as member of the County, State and National Republican Committees, and was a delegate to the Chicago Convention in 1884. In 1883 appointed by President Arthur Director of the Union Pacific Railroad, and served for one year. November 1, 1864, he married Emily, daughter of Hiram Volney and Ruth (Ranney) Bronson.

DAWES, EPHRAIM CUTLER.—Born May 27, 1840; son of Henry and Sarah Cutler Dawes. Descendant of William Dawes of Boston, Rev. Dr. Manasseh Cutler and Judge Ephraim Cutler. Spent two years at State University of Wisconsin, and two years at Marietta College, graduating from the latter in 1861. Degree of M. A. in 1864. First engaged as civil engineer in railroad construction. September 26, 1861, appointed First Lieutenant and Adjutant of Fifty-third Ohio Volunteer Infantry. In 1863, promoted to Major. Honorably discharged from service October 31, 1864, on account of wound received in action at Dallas, Ga., May 28, same year. Married June 20, 1866, at Marietta, O., to Frances Bosworth. Since 1864 engaged in railroad construction and operation, and in development of coal fields. His collection of books and papers touching the history of the late war was only equalled by one other in the country. Publications in pamphlet form, "The Beginnings of the Ohio Company," and "Sketch of William P. Cutler." Contributed to "Battles and Leaders of the Civil War," to the *Century* and other magazines. Published in book form, "Biographical Sketch of Gen. Rufus Putnam." Was a Trustee of the Ohio State Archaeological and Historical Society; member of the University Club of Cincinnati; Cincinnati Historical Society; Cincinnati Literary Society; corresponding member of Massachusetts Military Historical Society; honorary member of Wisconsin State Historical Society; Buffalo, N. Y., Historical Society; Rhode Island Society; Virginia Society; Ohio Society of New York; Civil Service Society of Governor's Island, and Sons of the Revolution. Also honorary member of Folk Lore Society of London, Eng. Vice President Army of Tennessee, and Commander of Loyal Legion. Trustee Ohio Soldiers' and Sailors' Orphans' Home at Xenia. Died at his home in Cincinnati, O., April 23, 1895.

DE PEYSTER, JOHN WATTS, M. A., LL. D., Litt. D.—Only child of Frederic de Peyster and Mary Justina, daughter of John Watts and Jane De Lancey; born March 9, 1821, New York, N. Y. Honorary member Soci-

ety of Science, Letters and Art, of London, and recipient of its gold medal for 1894 for his "scientific and literary attainments"; of the Clarendon Historical Society, Edinburgh, Scotland; of the New Brunswick Historical Society, St. John, Canada; of the State Historical Societies of Minnesota, Montana, New Jersey, West Virginia; Loyal Legion of the United States; of the New York Burns Club; honorary life member of the Toledo Soldiers' Memorial Association, Ohio, 1888; co-operating member of the Quebec Literary and Historical Society, Canada, etc.; life member Royal Historical Society of Great Britain, London, England; member Maatschappij Nederlandsche Letterkunde, Leyden, Holland; first honorary member Third Army Corps (Army of the Potomac), Union; honorary member Third Army Corps Gettysburg Battlefield Reunion and member of the honorary committee; member American Historical Association United States Army; of the Holland Society, New York; associate member Military Institute of the United States, etc., etc; member—life, corresponding and honorary—of over forty State and local historical, scientific and literary societies and associations; Colonel New York State Infantry, 1846, assigned for "meritorious conduct" to command of twenty-second regimental district; M. F. State New York, 1849; Brigadier General for "important service" (first appointment in New York State to that rank, hitherto elective, 1851); M. F. State New York; military agent State New York in Europe, authorized and endorsed by United States Army, 1851-53; Adjutant General State New York, 1855; Brevet Major General State New York for "meritorious services" by special act or concurrent resolution New York State Legislature, April, 1866 (first and only general officer receiving such an honor, the highest, from State New York), and the only officer thus. brevetted (Major General) in the United States Army; military and historical writer, etc.

FOLLETT, MARTIN DEWRY.—Born Enosburg, Vt., October 8, 1826. Son of John F. Follett, who moved to Ohio in 1836 and settled at Johnstown, Licking County, Ohio. Educated in the country schools and Granville Academy, Granville College and Marietta College, where he graduated at the head of his class. Taught school at Marietta and Newark, Ohio. Admitted to the bar and located at Marietta in 1859. Married on December 19, 1856, to Harriet L. Shipman, of Marietta, Ohio, and married the second time January 6, 1875, to Abbie M. Bailey, of Lowell, Mass. Elected Supreme Judge of Ohio in 1883. Trustee Ohio State Archæological and Historical Society.

FORCE, MANNING FERGUSON.—Born Washington D. C. 1824. Graduated at Harvard College 1845 and Harvard Law School 1848. Entered the army in 1861 as Major of 20th Ohio regiment. He became Lieutenant Colonel, Colonel, Brigadier General and Major General of volunteers.

Elected Judge of Common Pleas Court of Hamilton County, Ohio, serving from 1867 to 1877; and Judge of the Superior Court of Cincinnati from 1877 to 1887. Now residing at Sandusky, Ohio; Commandant of Soldiers' Home, located at that place. Author of "From Fort Henry to Corinth," "Prehistoric Man," "Darwinism and Deity," "The Mound Builders," "Some Early Notices of Ohio Indians," "To What Race Did the Mound Builders Belong?" "Marching Across Carolina," "Personal Recollections of the Vicksburg Campaign," "Letters of Amerigo Vespucci" and many other historical, literary and legal works.

FOSTER, CHARLES.—Born Tiffin, Ohio, April 12, 1828. Descended from early New England settlers. His family settled in the location afterwards known as Fostoria, Ohio, in 1832. Educated in the country schools and Norwalk, Ohio, Academy. Through his youth and early manhood engaged in business with his father; became manager and proprietor of large manufacturing and banking interests of his town. In 1870 elected to Congress; re-elected in 1872 and again in 1874 and 1876; elected Governor of Ohio 1879; re-elected 1881. Appointed Secretary of Treasury by President Harrison February 27, 1891, in which office he continued during remainder of the administration of President Harrison.

GARD, DANIEL HOSMER.—Of also the Hiett, Dunsmoor and Gage families. Born February 24, 1844, on a farm near Brown's Mills, Washington County, Ohio. Received a common school education, supplemented by a term at an academy. Successively became a telegraph operator, 1863; railway agent and manager of telegraph office at different points on Marietta and Cincinnati Railroad, now (1895) known as Baltimore and Ohio Southwestern. Then held for nineteen years, 1870-89, position of Superintendent of Telegraph for Columbus, Hocking Valley and Toledo Railway, after which was engaged a year each in office of Freight Traffic Manager of the Missouri Pacific Railway System, at St. Louis, and Manager Traffic Association of California, at San Francisco. Is at present a bookseller, stationer and interior decorator, at Columbus, Ohio, his old home. Is a charter member Ohio State Archæological and Historical Society; charter member, ex-Registrar and now one of the Board of Managers of Ohio Society Sons of the American Revolution, and charter member and Treasurer of the Ohio Society of the War of 1812.

GARDNER, GEORGE W.—Born in Pittsfield, Mass., 1834, and moved to Cleveland with his father's family in 1837. He attended the public schools till 1848; was a sailor boy on the inland lakes for five years, when he

entered a banking institution, remaining there five years. Then became a partner in the grain elevator and produce business until 1861, when with others he built the largest grain elevator in Cleveland, and continued in this business as senior partner till 1890, during which period he was part owner in the second largest winter wheat flouring mill in the country. Member of the City Council for ten years and three years its president. Was Mayor of Cleveland for the term of 1885-86 and again in 1889-90. Was a member of the Board of Trustees of Boys' Industrial School at Lancaster, Ohio, for five years, the last three as president, appointed by Governor Foster. He has been the president of several manufacturing companies and a bank director. Was Chairman of the Committee on Reform in Municipal Government which drafted a bill that became a law and gave the city of Cleveland its present Federal plan of government. He has always been a Republican.

GILMORE, WILLIAM J.—Born in Liberty, Bedford county, Va., April 24, 1821. Son of Eli Gilmore and Clarissa M. Clayton. Ancestry, Scotch-Irish. Came to Ohio with his parents in 1825; settled in Israel township, Preble county. Received his education in log school house and Westfield and Hopewell Academies. Admitted to the bar in 1847. Began practice in Hamilton, O.; soon removed to Eaton, Preble county, where in 1848 he was married to Ann Rossman. Elected Prosecuting Attorney of Preble county in 1852, which office he held two terms. Elected Common Pleas Judge in 1857; re-elected in 1867, and again in 1872. Elected Judge of Supreme Court of Ohio in 1874, which position he held until 1880, when he opened an office for the practice of his profession in the city of Columbus, where he continues to reside and practice. Has been Trustee of Miami University since 1871. Appointed Trustee of the Ohio State Archaeological and Historical Society by Governor Campbell February, 1891, for one year; reappointed by Governor McKinley, February, 1892, for three years, and again by Governor McKinley in 1895 for a like term. President State Bar Association, 1885-6.

GRAHAM, ALBERT A.—Born September 19, 1848, near Reynoldsburg, Franklin county, O. Parents were William G. Graham and Caroline (Bare) Adams, of Scotch-Irish and German descent. Early left an orphan, and lived in the home of an older brother on a farm in Illinois until 1861, when the family came to Ohio, settling near Iberia. Educated in common schools, college at Iberia, and high school at Rushville, Ind., paying his own way by teaching part of the time. First historical work was writing a history of the State of Indiana for a Chicago publishing house, followed by one of Illinois. Later associated with Gen. Roeliff Briinkerhoff in writing and publishing histories of Richland, Knox, Licking and Coshocton counties of Ohio. Married, September 15, 1880, to Emma Adarine

Campbell, of Mansfield, O. In 1881 removed to Columbus, where he remained until compelled by declining health to seek a milder climate in 1893, since which time he has resided in Arizona and New Mexico. Secretary of the Ohio State Archæological and Historical Society from its organization, March, 1885, until 1894.

HANDY, TRUMAN P.—Born in Paris, Oneida county, N. Y., January 17, 1807. Beginning at age of 16, taught in district schools in winter and assisted on the farm in summer months. In 1826, entered as teller in Bank of Geneva, N. Y. In 1832, came to Cleveland, then a village of 1,500 people, as cashier of the Commercial Bank of Lake Erie. In 1845, organized the Commercial Branch of the State Bank of Ohio, and became its cashier and active manager. In 1862, appointed President of the Merchants' Branch Bank, its charter expiring in 1865. It then became a National Bank, with Mr. Handy as President, until January, 1892, when he resigned. Since that date he has remained an active Director. He has been identified with many other enterprises, having been for many years Treasurer and Director of the C., C. & C. R. R. Co., and other corporations; Trustee since 1865 of Western Reserve (now Adelbert) College; since 1857 President of the Children's Industrial School and Aid Society; was early interested in the organization of the public schools of Cleveland and member of its Board of Education. He has been an active member of the Presbyterian Church from his boyhood, and since 1833 an elder in the First and Second Churches, of Cleveland, and often a delegate to the General Assembly. Superintendent of Sunday School for thirty-five years. Mr. Handy was married in 1832 to Miss Harriet N. Hall, Geneva, N. Y. Mrs. Handy died July 5, 1880.

HARRIS, ISRAEL HOPKINS.—Son of James and Rebecca Clark Harris, born at Centreville, O., November 23, 1823. Fitted for college at Centreville and Franklin, O.; entered the Junior Class at Yale in fall of 1844, and was graduated with the class of 1846. He is a member of the American Association for the Advancement of Science, The Anthropological Society of Washington, D. C., and The Natural History Society, Cincinnati. Since taking his degree at college his time has been largely spent in the banking business, but has devoted much leisure time during last forty years to the accumulation of geological and archæological specimens. His collection of lower silurian fossils is undoubtedly the finest in the world, containing many specimens that are not found in any other collection, public or private. He has encouraged the pearl industry of the Little Miami river, buying all the fine pearls that have been found, and has now a magnificent collection. In 1888 he sold to Tiffany & Co., New York, over 2,000 pearls, which were displayed at the last Paris Exposition and awarded a gold medal as the finest collection of fresh-water pearls ever found.

HART, BENJAMIN FRANKLIN, Marietta, O.—Descendant of Deacon Stephen Hart, Braintree, Essex county, England, one of the early settlers of New England, and a son of Deacon Benjamin Hart, Weathersfield, Conn., was born in Watertown, Washington county, O., January 5, 1823. Under stress of extreme poverty, he gained his education by sheer force of will, and after one term at Ohio Medical College, Cincinnati, entered upon practice at Marietta, 1844. Twenty years later entered Bellevue Hospital Medical College, graduating thence, M. D., in March, 1864. Is a member of the Ohio State Medical Society, elected in 1854; of the American Medical Association, elected in 1872; in 1876 was delegate to the International Medical Congress at Philadelphia; has served as City Physician of Marietta, member of Marietta Board of Health, now Health Officer of same; member of Harmar Board of Education and City Council. In 1862 was appointed by the Sanitary Commission of Washington County to visit battlefields and hospitals for purpose of ministering to needs of wounded or sick Ohio soldiers, a duty satisfactorily discharged without compensation. Was appointed surgeon, with relative rank of major, by Governor Brough, 1864. October 18, 1848, married Sallie M., daughter of Thomas Alcock, Esq., Marietta, O.

HAY, JOHN, A. M., LL. D.—Born in Salem, Ind., October 8, 1838. His father, Dr. Charles Hay, an eminent physician, removed to Illinois in 1841, where his family grew up. John Hay was educated at Brown University, graduating in 1858. He studied law in Springfield with his uncle, the late Hon. Milton Hay; was admitted to the bar in February, 1861, and immediately started for Washington at the invitation of Abraham Lincoln. He became one of Lincoln's private secretaries and continued in that capacity until the President's death, with the exception of about a year which he spent in the army as assistant adjutant general of volunteers, serving on the staffs of Generals David Hunter and Q. A. Gilmore. After Mr. Lincoln's assassination, Colonel Hay went to Paris as Secretary of Legation; afterwards served in same capacity at Madrid, and in Vienna as Charge d'Affaires. Returning to this country in 1870, became one of the editors of the New York *Tribune*; was editor in chief of that paper in 1881. He was made First Assistant Secretary of State in 1879, and served two years. In 1881, was delegate of United States to the International Sanitary Congress at Washington, and elected president of that body. He is author of "Castilian Days," a volume of "Poems," and, in collaboration with John G. Nicolay, of "Abraham Lincoln," a history in ten volumes. Has received the degrees of A. M. and LL. D.

HILLS, BRAINARD D.—Born in Hancock, Hillsborough county, N. H., December 18, 1833. Direct descendant of Joseph Hills, born in Maldon, England, 1602, who resided in Malden, Mass., 1638, and was a member of

the Great and General Court of the Province. Subject of this sketch was early trained in the labors and duties of New England farm life, receiving his education in the common schools of the town, supplemented by the village academy. Later was both student and teacher at the Frankestown Academy. In 1855 removed to Wisconsin, then considered the far West, where he taught school for a part of two years in Waukesha county. In 1856, resigned position as teacher and located in Kewaunee, Kewanee county, Wis., then an almost unbroken wilderness, where he engaged in general merchandise, lumber and shipping business, helping also to organize the county and town government. Here he was elected Justice of the Peace and Deputy Register of Deeds, and helped to organize the first Congregational Church in the county. During the rebellion was declined for military service by Army Board of Examiners, but afterwards entered the civil service, in charge of commissary stores at Camp Burnside and Camp Nelson, Ky., (under Capt. Edward P. Ransom,) where he remained till close of war. In 1866, located at Columbus, O., having closed out his business in Wisconsin on account of failing health, and has since continued in the insurance business at this place. He married Mary S., daughter of Rev. Calvin N. Ransom, of East Poultney, Vt.

HEER, FREDERICK J.—Born in Columbus, O., October 14, 1858. Attended public schools until 1871, when he entered the printing office of Glenn & Heyde. In 1878 was appointed to take charge of the printing department of the Lutheran Book Concern. Represented the First Ward in the Board of Education from 1887-94, and the Second Ward from 1894-96. Appointed as Resident Director of the Ohio Penitentiary by Governor Campbell in 1890.

KILBOURNE, JAMES.—Born at Columbus, October 9, 1842. Son of Lincoln Kilbourne and Jane Evans. Educated in public schools of Columbus, graduating from Columbus High School in 1857. Graduated from Kenyon College in 1862, receiving from this college the degrees of A. B. and A. M. He served through the entire war, enlisting as private and being mustered out a colonel. Graduated from Harvard Law School 1868; admitted to bar same year. President and manager of firm of Kilbourne, Jacobs & Co., one of the leading manufacturing concerns of the country. President of Columbus Club and of the Columbus Board of Trade; President of Trustees of Public Library and of Children's Hospital; member of Grand Army of the Republic, Society of the Army of Tennessee and of the Loyal Legion.

KING, RUFUS.—Born May 30, 1817, Chillicothe, O. Son of Edward King, of New York, and Sarah Worthington, daughter of Governor Worthington, of Ohio. Educated at Kenyon College and Harvard University, graduating from Harvard Law School in 1841. Settled in Cincinnati and married Margaret Rives of that city. Became Teacher of Law and Dean of the Faculty of Cincinnati Law School. For forty years President of Bar Association of Cincinnati. Member of Board of Education, member Board of Managers of Public Library, and President of each of those bodies; director of Cincinnati University. Died March 25, 1891.

LINDENBERG, HENRY.—Born at Geuthien, Germany, July 29, 1836. Came to the United States with his mother and family in 1850, the father having preceded them, being exiled from Germany because of the revolution of 1848. Located at Columbus, O. Educated in the "Gymnasium" in Germany. Began his business life in book bindery of William Siebert. Learned printer's trade in office of Col. Samuel Medary. In 1859 with John Siebert established *The Odd Fellows' Companion*, which they published until outbreak of civil war. Assistant Assessor Internal Revenue 1861-1866, when publication of *The Companion* was resumed. In 1865, Henry Lindenberg, with John Siebert, Capt. M. C. Lilley and Charles H. Lindenberg, organized the M. C. Lilley Company and was secretary and treasurer of the same for more than twenty years. Member of a number of organizations, among them Odd Fellows and Knights of Pythias. Died Carlsbad, Austria, March 6, 1890.

McFARLAND, R. W.—Of Scotch-Irish descent, born in Champaign County, O., 1825; began teaching in 1839; attended the academy at Westerville in the spring of 1843; Augusta College, Ky., 1843-44; Ohio Wesleyan University 1845-47. After graduation had charge of Berkshire Academy in Delaware County. In 1848 taught Latin and mathematics in Greenfield Seminary, Highland County, three years. In 1851-52 was in mercantile business in Chillicothe; Union school, same city, in 1852-53; Madison College, as Professor of Mathematics from 1853 to 1856; thence elected to the same chair in Miami University, remaining seventeen years; was then (1873) elected to the combined chairs of mathematics, astronomy and civil engineering in the Ohio State University; remained there for twelve years. Was then chosen President of Miami University and closed his forty-two years of teaching in 1888. Since 1888 has served the Sunday Creek Coal Company chiefly as surveyor and engineer. When a young man published an edition of six books of Virgil. Served over a year in the War of the Rebellion as Captain and as Lieutenant Colonel of the 86th Ohio. Computed the perihelion and eccentricity of the earth's orbit for a period of 4,520,000 years.

MACFERRAN, DAVID.—The ancestors of David Macferran came from the north of Ireland and settled in the vicinity of Pittsburg about a century ago. Mr. Macferran was born in Pittsburg November 7, 1817. He received such education as the schools of that place could afford. The early part of his manhood was given to mercantile pursuits. In 1839 he married and removed to Allegheny City. In 1854 he was elected Clerk of the Select Council of that city. In 1857 he was elected Secretary of the Board of Control of the Public Schools. In 1858 he was elected Treasurer of Allegheny City, which position he still holds. In 1871 he became a director of the National Bank for Savings. In 1881 he became a director of the Third National Bank of Allegheny. In 1887 he was elected a director of the Bank of Pittsburg, the oldest bank in western Pennsylvania. He has accumulated a valuable library, rich in works of local history.

MCINTIRE, ALFRED R.—Born July 14, 1840, on a farm near Mount Hope, Holmes county, O. Here he spent his early childhood, and acquired the first elements of an education in a neighboring log school house, and later the village school. At age of fourteen removed with his parents to a farm near Fredericktown, in Knox county, O. Worked on farm summers and attended country and neighboring village schools winters. Taught country school two winters until September, 1860, when he entered the Freshman class, Ohio Wesleyan University, Delaware, O. College course interrupted by teaching several terms and by enlistment in Company A, Ninety-sixth Regiment, Ohio Volunteer Infantry, August, 1862. Was discharged March, 1863, on account of sickness. Again enlisted May, 1864, as First Lieutenant, Company H, One Hundred and Forty-second Ohio Volunteer Infantry. Discharged September following by expiration of term. Graduated at the Ohio Wesleyan University, 1865. One year in charge of the public schools of Fredericktown, O., and one year in life insurance business. Studied law with the late Judge Rollin C. Hurd, of Mount Vernon, O., and was admitted to practice in June, 1869. Immediately after admission to the bar was taken into co-partnership by his preceptor, and so continued until the death of Judge Hurd in 1874. During all this time Mr. McIntire never received any financial assistance. Has continued to reside and practice his profession at Mt. Vernon, O.

McMILLEN, EMERSON.—Born at Ewington, O., 1844. At age of twelve years was put in charge of the engine of a blast furnace, where he continued to work in various capacities till the breaking out of the war. After being twice rejected on account of his age finally enlisted and served four years and two months in the army. For short time following close of the war he engaged in mercantile pursuits, turning from that to manufac-

ture of gas, and in 1867 became Superintendent of the Ironton Gas Works. From 1876 to 1883 was president and active manager of several gas companies and three of the largest iron and steel companies in the State. In 1883 became connected with the Columbus Gas Company, of which he is now president, and was one of the first presidents of the Columbus Board of Trade. In 1889 Mr. McMillin and his New York associates effected the consolidation of the entire gas interests of St. Louis. Although president and active manager of the Laclede Gas Light Company, the Milwaukee Gas Light Company, the Columbus Street Railway Company and other concerns, he still finds time to keep in touch with the latest thought in scientific and technical literature. He is a member of many engineering and scientific associations and social clubs, among them being the Lawyers, Lotus, Colonial, Marine and Field and the Engineers of New York; the Engineers and the Mercantile clubs, St. Louis, Mo.; the Milwaukee of Milwaukee, Wis., and the Columbus of Columbus, O.

MERRILL, MARY E. RATH.—Daughter of Joseph and Maria S. Allen Rath. Was born September 11, 1856, at Massena Springs, N. Y.; was educated at Oswego Normal School, New York; graduated from there in 1874. Studied art embroidery at the Society of Decorative Art, New York City, and at the Royal School of Art Needlework, South Kensington, London, England, where, under the instruction of the famous Miss Mary Seaton, Miss Rath obtained recognition as one of the most intelligent students of "Opus Anglicanum." Entered the *atelier* of M. Bacte, the well known savant (in Paris). September, 1883, returned to America and established schools for the teaching of art needlework and embroidery in Columbus and Cincinnati, O.; Pittsburg, Pa., and Minneapolis, Minn. To these schools is largely due the restoration of embroidery to its proper place in American art life. Married to J. Palmer Merrill in 1886. In 1891 was selected by the Commissioners of the World's Fair to preside over the Ohio Woman's Exhibit at the Columbian Exposition. In 1895 was elected a life member of the Suffolk Institute of Archæology, England.

MILLER, THOMAS EWING.—Born in Mt. Vernon, O., June 19, 1829. Educated at Kenyon College. At an early age was thrown upon his own resources and entered mercantile life. In 1856 was appointed United States Consul at Bordeaux, France. Returning, came to Columbus in 1859 and established himself as wholesale dry goods merchant, as member of firm of Miller, Green & Joyce. During these years took an active part in public matters; was instrumental in forming the Board of Trade, and one of its first Presidents; was an earnest advocate of the project of building a railroad down the Scioto valley; assisted in the organization and was elected

President of the Scioto Valley Railroad Company, which completed the road from Columbus to Portsmouth. He retired from active business in 1881, and spent much time in travel, both in this country and abroad. Mr. Miller is an ardent Republican. Was a member of the Republican State Executive Committee during the important campaigns of Garfield and Blaine. He served six years as member and President of the Board of Trustees of the Ohio State University.

MONFORT, ELIAS RIGGS, A. M., LL. D.—Born March 2, 1842, Greensburg, Ind. Son of Rev. J. G. Monfort, D. D., LL. D., and Hannah Riggs; paternal ancestors descended from early Huguenots of France and Holland; maternal ancestry Welsh, English and Scotch. Mr. Monfort became a resident of Cincinnati at age of fourteen; educated in the public schools and Hanover College. Left college before graduation to enter the army, enlisting June 18, 1861, as private in Company A, Sixth Ohio Volunteer Infantry. Promoted First and Second Lieutenants and finally Captain in Seventy-fifth Ohio Volunteer Infantry. With his regiment continuously until disabled at Gettysburg, July 1, 1863, participating in twenty battles. Graduated from Hanover College 1865, and Cincinnati Law School 1867. Admitted to practice same year. District Attorney for Twenty-second District of Indiana, 1872. Prosecuting Attorney of Fourth Judicial Circuit of Indiana same year; A. M., Hanover College, 1869; LL. D., Highland University, 1885. Trustee of Hanover College and Lane Theological Seminary. Member of the G. A. R. and Loyal Legion. Representative at the meeting of Alliance of Reformed Churches of the World of the Presbyterian System, London, England, 1888. Editor of *Herald and Presbyterian*.

MOORE, REV. WILLIAM E., D. D., LL. D.—Trustee and Vice President of the Society. Born in Lancaster county, Pa., April 1, 1823. Son of Jacob Moore, M. D. English ancestors came to America about 1718, and settled in New Castle county, Del., on Penns Manor of Steyning. The original tract is still owned and occupied by the descendants of the original settlers. Orphan at the age of six. Education was obtained at home and in the rural schools. At the age of eighteen, Mr. Moore became teacher of a village school at Port Penn, on the Delaware. While thus engaged he prepared for college, under the tuition of the Rev. George Foot. He entered Yale College in 1842, and graduated in 1847. Immediately thereafter he was chosen Principal of the Academy at Fairfield, Conn., and there studied Theology. He was licensed to preach April, 1850, and in August became pastor of the First Presbyterian Church, West Chester, Pa. He was ordained and installed by the Third Presbytery of Philadelphia, October 30, 1850. After a pastorate of twenty-two years in West Chester, he was called to the

pastorate of the Second Presbyterian Church, Columbus, O., which he filled for a like period of twenty-two years, resigning April, 1894, having reached three score and ten years. Received the degree of D. D. from Marietta College in 1873, and that of LL. D. from Lake Forest University in 1891. Dr. Moore for some ten years was the President of the School Board in West Chester; was one of the founders of the Normal School of the First District of Pennsylvania, and President of the Board of Trustees; President of the Columbus Medical College from its origin until its merging in the Starling Medical College; Trustee of Marietta College since 1873, and of Lane Theological Seminary, Cincinnati, since 1879. Served on many of most important special committees of General Assembly of the Presbyterian Church, viz.: The committee to prepare the new Book of Discipline (1885), and the committee (1890) to revise the Confession of Faith. Permanent clerk of the General Assembly since 1884. In 1890 chosen Moderator of Assembly by acclamation. Author of the successive Digests of the "Acts and Deliverances of the General Assembly," issued in 1861, 1873, 1886 and 1895, the official expositions of the Polity and Discipline of the church. Married September 19, 1850, to Harriet F., daughter of the Rev. George Foot.

MORRISON, NATHAN JACKSON, D. D., LL. D.—Was born on a farm in Franklin, N. H., November 25, 1828. His early education was obtained in a little red district school house, which stood by the roadside on the paternal farm. Fitted for college in academies in Meriden and New Hampton, N. H., and entered Dartmouth College in 1849, where he was graduated with honor in 1853. For nearly four years, beginning January, 1854, was a student in Theology at Oberlin and Tutor of Languages in the college. For two years, beginning November, 1857, was pastor of the Congregational Church at Rochester, Mich. October 29, 1859, became Professor of Latin and Greek in Olivet College, Mich., then in process of organization. In 1865, chosen President of Olivet College, which office he resigned in 1872 for the purpose of organizing Drury College, Springfield, Mo., a school of higher learning, which has had a rapid development in resources, patronage, scholarship and influence. He continued in this office till January, 1888, since which time has been Professor of Philosophy in Marietta College. In 1868, the degree of Doctor of Divinity was conferred on him by his Alma Mater. In 1882 received from the State University of Missouri the degree of LL. D. Has written for the periodical press and published a number of addresses, sermons, etc. He was married July 8, 1863, in Brooklyn, N. Y., to Minnie Capen Simond.

MOSES, THOMAS FREEMAN.—Born in Bath, Me., June 8, 1836. Graduated from Bowdoin College in 1857. Studied medicine in New York and Philadelphia and received degree of Doctor of Medicine from Jefferson

Medical College, Philadelphia, in 1861. Spent the following year in the hospitals of London and Paris. On his return entered the medical service of the Army as Acting Assistant Surgeon in charge of hospital transport Euterpe, and continued in the service until the fall of 1864. Practiced medicine in Bath, Me., and Glendale, O., until 1870, when he was elected Professor of Natural Science in Urbana University, Urbana, O. In 1886, elected President of Urbana University, which office he resigned in 1892. Is a Fellow of the American Association for the Advancement of Science, of the American Academy of Medicine, and of the Geological Society of America; also a member of several other learned societies. Has published "Spiritual Nature of Force," "Archæology of Champaign County, O.," "Shell Heaps on the Coast of Maine," "Preliminary Education of the Physician," and other scientific papers. In 1867 was married to Hannah Appleton Cranch, of Washington, D. C.

NOBLE, HENRY CLAY.—Born Lancaster, O., February 29, 1826. Son of John and Catherine McDill Noble. Father a soldier in war of 1812, and a pioneer of Columbus. Graduated with honors from Miami University at Oxford, O. Studied law with Hon. John W. Andrews and Hon. Joseph R. Swan, and admitted to practice in 1847. Married September 28, 1848, to Elizabeth Edmiston, of Columbus. Served one term in the Ohio Senate with credit and honor. Appointed one of the commissioners to superintend the construction of the Franklin County Court House, and was President of the commission. His plan was adopted by the Common Pleas Judges for the government of the jail. Mr. Noble founded the Noble Alcove in the Public Library in honor of his father, and established a trust fund for its perpetual maintenance. Deceased December 12, 1890.

ORTON, EDWARD.—A descendant of Thomas Orton, an early settler of the Connecticut Valley (Windsor, 1641). Was born in Deposit, N. Y., in 1829. Son of Rev. Dr. Samuel G. and Clara Gregory Orton. Spent his boyhood in Chautauqua county, N. Y. Graduated from Hamilton College in 1848. Became interested in natural science by teaching it. Took post-graduate study in chemistry and botany in Harvard University. Appointed Professor of Natural Science in the State Normal School, Albany, N. Y., in 1856. In 1865, called to Antioch College, Yellow Springs, O., where he was made Professor of Natural History, and in 1872 was elected to the Presidency. In 1873, elected First President of the Ohio Agricultural and Mechanical College, now the Ohio State University. Held the office for eight years, resigning in 1881, but remaining in the University as Professor of Geology. In connection with his professional work has been engaged for twenty-five years in geological surveys of Ohio, Kentucky, Indiana, etc.

Appointed assistant on the Ohio survey in 1869. Made Chief Geologist in 1884. Reappointed to this office by successive governors up to the present. In 1875, received degree of Ph. D. from Hamilton College; in 1881, LL. D. from Ohio State University. In 1884, Vice President of American Association for the Advancement of Science (A. A. A. S.) (section of geology). Has written and spoken a good deal on the relations of geology to agriculture and sanitary science.

OUTHWAITE, JOSEPH H.—Born Cleveland, O., December 5, 1841. Educated in public schools at Zanesville, O.; taught two years in the high school of that city; principal of grammar school in Columbus for three years. Admitted to the bar in 1866. Practiced law from 1867 to 1871 at Osceola, Mo. Elected Prosecuting Attorney of Franklin county, O., 1874, and again in 1876. Trustee of County Children's Home; trustee of Sinking Fund of City of Columbus. Was elected to the Forty-ninth, Fiftieth, Fifty-first, Fifty-second and Fifty-third Congresses.

PARROTT, CHARLES.—Born in Dayton, O., September 2, 1834. Graduated at Ohio Wesleyan University in 1856; graduated at Cincinnati Law School in 1860. Practiced law in Dayton from 1860 to 1866, when he engaged in manufacturing business, to which his inclinations led him rather than to professional life. President Dayton Board of Education. In 1873 he removed from Dayton to Columbus to take charge of the Public Works of the State. From the termination of the lease of the Public Works in 1878 until within the past few years he was engaged with syndicates in building railroads connected with Columbus, and was President of The Ohio Pipe Company, and interested in other manufacturing concerns. Retired from active business. Being a member of the Board of State Charities for the past six or seven years, has given attention to the charitable institutions of the State, etc. For several years Trustee of the Ohio Archæological and Historical Society.

PATTON, A. G.—Born in New Hampshire, March 8, 1836. Commenced active life in the Lockport *Courier and Journal* printing office, at the age of seven, remaining there a number of years. At the age of seventeen went to Troy, N. Y., and learned the trade of carriage trimmer; after finishing his trade he moved to Schenectady, N. Y., and went into the carriage manufacturing business. In early 1861 enlisted in the Second New York, known as the "Black Horse Cavalry," and was promoted Sergeant, Second Lieutenant and First Lieutenant, and remained with same until it was mustered out the last of March, 1862. In May, 1862, he

joined the First New York Mounted Rifles, which at that time was raised from a battalion to a regiment, and he was made Captain of one of the companies, and was afterwards promoted to Major and Lieutenant Colonel, remaining in the regiment until after the close of the war, and was mustered out at the expiration of the term of service at Richmond, Va., July 10, 1865. In the fall of 1865 he commenced business for himself, manufacturing hollowware, and continued in the same in Troy until 1874, when he moved to Columbus, O., and established himself in the same business, under the name of the Patton Manufacturing Company, afterwards establishing a branch house at Jeffersonville, Ind., and later another house at Muncie, Ind. He is the largest manufacturer of his line of goods in the United States. President of Protestant Hospital Association, Vice President of Home for the Aged, Director in the Humane Society; member of the Loyal Legion and Wells Post, G. A. R.

PEASLEE, JOHN B.—Born in Plaistow, N. H., September 3, 1842. Paternal ancestors came to America from Scotland early in the seventeenth century and were among the original settlers of Haverhill, Mass. The "Old Peaslee Garrison House," erected previous to 1690, is still standing. His maternal ancestors, the Willetts, from England, settled in New York at an early date. Mr. Peaslee was graduated from Dartmouth in class of 1863. Appointed Principal Grammar School, Columbus, O. In 1864 went to Cincinnati and was First Assistant, Principal of District and Principal of Intermediate Schools; was in 1874 elected Superintendent of Public Schools, which position he held for over twelve years. Inaugurated the celebration of authors' birthdays and celebration of Arbor Day in the public schools. In recognition of his services, the American Forestry Congress planted and dedicated in 1890 an oak tree in Fairmount Park, Philadelphia, to his honor and memory. In 1866 Dartmouth conferred upon Mr. Peaslee the degree of Master of Arts, and the Law School of the Cincinnati College that of Bachelor of Laws. In 1878 the Royal University, Turin, Italy, a diploma of life membership. In 1879 the Ohio State University, Columbus, the degree of Doctor of Philosophy. President of the Ohio State Teachers' Association, of the Ohio State Board of Examiners for Teachers; Trustee of Miami University; of Wilberforce University, of University of Cincinnati; a life member National Council of Education; of the National Teachers' Association. President of Ohio Forestry Bureau. One of the organizers of the Ohio State Archæological Society. Author of many books of literary and educational character. Clerk of Courts Hamilton County, O. Nominated for office of Lieutenant Governor on Democratic State ticket 1895. Mr. Peaslee married, April 25, 1878, Miss Lou Wright, daughter of Hon. Joseph F. Wright. Mrs. Peaslee died July 18, 1894.

POOL, HARWOOD REDINGTON.—Born October 22, 1859, at Elyria, Lorain County, O. Removed to New York City in 1868. Graduated at Ohio State University in 1881 with the degree of Bachelor of Philosophy. Graduated at the Columbia College Law School in 1883 with the degree of Bachelor of Law *cum laude*. Continues the practice of the law in the city of New York. Present address is 62 Cedar street, New York City.

PUTNAM, DOUGLAS.—At the time of his death, December 20, 1894, the eldest direct descendant of his great-grandfather, Maj. Gen. Israel Putnam, one of the band of pioneers who settled at Point Harmar, April 7, 1788, was born at Marietta, O., April 7, 1806. After preparatory training in an eastern school was sent to Yale. His first trip east was made at the age of fourteen, on horseback, and occupied six weeks. Was one of the founders of Marietta College, which was organized in 1832. Was the organizer of the Congregational Church of Marietta. Succeeded his father in the land business, mainly in the care and sale of that given in the original government grants in Ohio to the Revolutionary officers in lieu of pay. Was one of the promoters and stockholders of Marietta and Cincinnati Railroad, later incorporated into the Baltimore and Ohio. In politics Republican, but holding no offices except in the municipal government of his town.

RANDALL, EMILIUS OVIATT.—Born Richfield, Summitt county, O., October 28, 1850. Son of Rev. D. A. Randall, D.D., and Harriett Oviatt. Parents born in Connecticut; descendants of early Puritan stock. Grandfathers on both father's and mother's side fought in the Revolution. Attended public schools of Columbus and Phillips Academy, Andover, Mass. Graduated Cornell University, Ph. B., 1874. Two years' post-graduate study at Cornell and in Europe. In mercantile and literary pursuits 1878 to 1890. Admitted to bar by Supreme Court of Ohio 1890. Graduate Ohio State University Law School, LL. B. and LL. M., 1892. Practicing lawyer. Professor Commercial Law Ohio State University. Member A. K. E. College and *Phi. A. Phi.* Law School fraternities. Appointed Reporter Supreme Court of Ohio 1895. Member Board of Education 1887-9. President Columbus Board of Trade 1887. Trustee Public Library 1884-95. Member Society Sons American Revolution; American Historical Association; Ohio State Bar Association. Trustee Ohio State Archæological and Historical Society by appointment by Governor McKinley, February, 1893. Secretary of the Society since February, 1894. Married October 28, 1874, to Mary Coy, of Ithaca, N. Y.

REEVE, JOHN CHARLES.—Born in England, 1826. In 1832, came to this country with his parents, who settled in Cleveland, then but a small town. Most of his acquirements were obtained in a printing office. He fitted himself for teaching in manner acceptable in those days, and followed this calling for some winters. In 1846 he entered the office of Prof. John Delemater for the study of medicine, and was a member of the classes of 1847-8 and 1848-9 of the Cleveland Medical College. In 1849, he married Emma G. Barlow, of Cleveland, and began practice in Dodge county, Wis., returning for examination for the degree of M. D. in 1852. A portion of the years 1853-4 was spent in medical study at London and Goettingen. In fall of '54 he settled in Dayton, O., where he has since practiced his profession. Dr. Reeve is an honorary member of the Cuyahoga County Early Settlers' Association; was for over twenty years member of the American Medical Association; a member of the Ohio State Medical Society since 1856, and once its President; was one of the founders and has been First Vice President of American Gynæcological Society; is a Fellow of the College of Physicians of Philadelphia, Pa. In 1894, Western Reserve University conferred upon him degree of LL. D. Has been an active contributor to medical journal literature.

RICKLY (RICKLI), SAMUEL STRASSER.—Born January 7, 1819, Butzberg, Canton Bern, Switzerland; only survivor of family of eighteen children. Parents emigrated to America 1834, locating at Baltimore, Fairfield county, O. Left orphan same year. Spent his boyhood as carpenter and farmer, dependent entirely upon his own efforts. Entered Marshall College, Mercersburg, Pa., 1839, graduating 1843, delivering his graduating oration in German. Studied theology and taught. Married 1845. Came to Columbus 1847 and taught German-English schools. 1848, Principal Columbus High School. In 1849, established an academy at Tarlton, Pickaway county, O., which was adopted later by the Synod of Reformed Church as the nucleus of a church institution, named Heidelberg College. Was Superintendent of schools at Tiffin, O., and Professor of Theory and Practice of Teaching in Heidelberg University. Journal Clerk of Ohio House of Representatives 1854. Merchant, manufacturer and banker until 1875, when he organized the present Capital City Bank. January 6, 1885, proposed to Board of Trade, Columbus, O., that City of Columbus in 1892 commemorate the fourth centennial of discovery of America by Christopher Columbus. Mr. Rickly was therefore the originator of the gigantic enterprise which Chicago subsequently carried out. Trustee of Public Library. As Director of Board of Trade, proposed and chiefly promoted erection of the present Board of Trade building, Columbus, O. Trustee and Treasurer of the Ohio State Archæological and Historical Society.

SCHUELLER, DR. JOHN B.—Born April 7, 1838, at Rain, a small Bavarian town south of Augsburg, Germany, where his father conducted a pharmacy. In the year 1840 the family removed to Bayreuth, the home of the Schueller family. After attending the primary school, he entered, ten years old, the gymnasium or Latin school, which he attended till 1854, when the family emigrated to Ohio, arriving at Cincinnati July 7 that year. January, 1856, they removed to Columbus, where the father, August J., with his two sons, Ernst and John B., opened a drug store on South High street, then the sixth in Columbus, in the old "Commercial Row," on the site of the new Southside Hotel, becoming neighbors and tenants of Judge A. G. Thurman. In 1860 John began the study of medicine in Starling Medical College. After attending one course, accompanied by his younger brother, Frederick W., he recrossed the ocean to complete his studies at the old universities of Wuerzburg and Prague. After graduating in 1864, returned to Columbus, where he has practiced ever since. Represented the old Fifth Ward from 1873 to 1877, and later First Ward from 1881 to 1887, in Board of Education of Columbus. In 1890, appointed by Governor Campbell, Resident Trustee of Ohio State University, and after the death of President Rutherford B. Hayes was elected President of the Board. In 1895, elected by City Council a third time a Trustee of the Public Library.

SCOTT, WILLIAM HENRY.—Born in Chauncey, Athens county, O., September 14, 1835. During his infancy his parents removed to McConnellsville, and in 1857 to the country near by, where for two years he taught school and studied preparatory to college. In 1859 he entered the Ohio University at Athens. At the beginning of his junior year he was elected tutor. He graduated in 1862 as bachelor of arts. He was then elected Superintendent of Schools in Athens. In February, 1864, he returned to the University as Principal of the Preparatory Department. The following September he entered the Ohio Conference of the Methodist Episcopal Church. In 1865 he became pastor of Main Street Church, Chillicothe, and in 1867 of Town Street Church, Columbus. In 1869 was elected Professor of Greek in his *alma mater*. In 1872 became Acting President and the next year President. In 1883 was elected President and Professor of Philosophy at the Ohio State University. In 1892, for doctrinal reasons, he withdrew from the Methodist Church. In 1895 resigned the Presidency of the University, retaining the Chair of Philosophy.

SHERMAN, JOHN.—Born at Lancaster, O., May 10, 1823. Son of Charles R. Sherman and Mary Hoyt, both of Norwalk, Conn., and descendants of early Puritan stock. Attended Homer Academy and later entered college. Admitted to the bar in 1844; began practicing at Mansfield, O.,

with his brother Charles. Delegate 1848 to the Whig convention at Philadelphia, which nominated Zachary Taylor; in 1852 delegate to Baltimore convention, nominating Winfield Scott. In 1848 married to Cecilia, daughter of Judge Stewart, of Mansfield, O. Elected to Thirty-fourth Congress, which met December 3, 1855; re-elected to Thirty-fifth, Thirty-sixth and Thirty-seventh Congresses. Elected to United States Senate and took his seat March 4, 1861; re-elected Senator 1867 and 1873. Appointed Secretary of Treasury by President Hayes March, 1877. Returned to United States Senate in 1881; re-elected in 1887 and 1893. Candidate for nomination for Presidency of the United States at National convention held in 1884 and again in 1888.

SIEBERT, JOHN.—Born June 24, 1834, near Somerset, Perry county, O. His parentage was of hardy German stock. His father was a native of Hesse-Cassel, and his mother of Wuerttemberg, Germany. They emigrated to the United States in 1832 with five children, settling on a farm in Perry county, where John was born. Mr. Siebert's early education was such as the schools of that period afforded, supplemented by a studious apprenticeship in the book-binders' trade and several years in a printing office. In 1858 he went to Nebraska, where he spent two years "printing and pioneering." Returned to Ohio to engage with Henry L. Lindenberg in the publication of the *Republikanische Presse*, and later a monthly magazine, *Der Odd Fellow*. This second publication was terminated with volume one by the outbreak of the War of the Rebellion. Mr. Siebert enlisted in the Thirteenth Ohio Regiment of Infantry for ninety days, under Lincoln's first call for troops, and at the end of this service re-enlisted in the same regiment for three years, becoming a Lieutenant and later Captain of his company. July, 1864, he returned to Columbus to go into business, and in November of that year was married to Mary J. Morris, of Cincinnati, O., deceased January 26, 1892. Mr. Siebert was one of the organizers of The M. C. Lilley & Co., and has ever since been connected with the same, for some years past as its Vice President. He was also chief organizer of the Edison Electric Light Company and the Ohio Savings Bank Company, being now President of the latter.

SMEAD, ISAAC D.—Son of Ezra and Eleanor Smead, was born at Coleraine, Mass., 1849. His scholastic education was obtained in the district schools. In 1866, his first business experience was gained as clerk in a store, and in 1869 he commenced the manufacture of heating and ventilating apparatus, which business he has since continued with great success. September 23, 1874, married at Deer Park, Ills., to Julia B., daughter of Joel W. Armstrong. Mr. Smead is a member of the Masonic Fraternity

and Knight Templars; was a member of the Board of Managers of the Ohio Penitentiary for four years, and reappointed to that position for five years; was Commissioner of Mechanics and Machinery for the Ohio Centennial Exposition; was appointed by Gov. J. B. Foraker as Colonel on his personal staff, and was unanimously elected President of the Citizen's Board of Trade (Toledo), which office he, however, declined.

SMITH, WILLIAM HENRY.—Born December 1, 1833, in Columbiana county, N. Y. Moved to Ohio in 1836; educated in public schools; tutor in college; editor of Cincinnati *Gazette*; during the war engaged in raising troops and sending supplies to the front; 1863, private secretary to Governor Brough of Ohio. Elected Secretary of State of Ohio 1864, and re-elected in 1866. In 1870, took charge of the affairs of the Western Associated Press, with headquarters at Chicago. In 1877, was appointed by President Hayes Collector of the Port of Chicago. Author of the "St. Clair Papers," two volumes, Cincinnati, 1882; a biography of Charles Hammond, and the "Political History of the United States," and other books.

SMYTHE, ARTHUR HARRIS.—Born Columbus, O., November 14, 1850. Son of Henry P. Smythe and Sarah Harris, of a long line of Puritan ancestors. Educated in the public schools of Columbus, graduating from the high school 1869. He at once entered the store of P. Hayden, saddlery and hardware manufacturers, as assistant bookkeeper. In 1873 he became head bookkeeper for the firm of Randall, Aston & Co., booksellers and stationers. In 1878, the firm wishing to sell, Mr. Smythe purchased the business, which is now the largest book concern in central Ohio. During 1893, he associated with other capitalists, became the manager of the Egyptian Exhibition, known as "Cairo Street," of the World's Columbian Exposition at Chicago. In 1895, he occupied a similar position as manager of the Mexican Village in the Atlanta Inter-State Exposition. Married, 1876, to Miss Grace Parmelee, of Albany, N. Y. Some years after the death of his first wife he married, 1893, Miss Charlotte Parmelee, of Columbus, O. Appointed by Governor McKinley, in February, 1893, Trustee of the Ohio State Archæological and Historical Society.

SOUTHWORTH, GEORGE C. S.—Born in West Springfield, Mass., 1842. Graduated at Phillips Academy, Andover, 1859; Yale, 1863; Harvard Law School, 1865. Visited Russia and Finland in 1869, with the mineralogist, Prof. C. N. Shepard, of Amherst. Made a journey to Japan, China, India, Egypt, Turkey and Greece in 1873-4. Married in Rome, 1874, Ada Deane,

(born in Winthrop, Me., 1853,); travelled in Europe, 1877-80, with his family. Was elected, 1881, Professor of English Literature and History in Kenyon College, and in 1886 Professor of Sacred Rhetoric in the Divinity School, Gambier. In 1888 resigned both chairs to accept the Professorship of English Language and Literature in the Case School of Applied Science, Cleveland; delivered the annual address before that institution 1889, resigned 1891. Was Phi Beta Kappa orator at Kenyon 1892; delegate to the National Council of that Society the same year; also presided at banquet of the National Convention in Cleveland of the Delta Kappa Epsilon Fraternity. Is President of the Yale Alumni Association of Cleveland, and a Trustee of the Ohio Society for University Extension. Has published a text book on English Literature. Residence, 156 Lincoln Avenue, Salem, O.

STILES, HENRY CURTISS, of Cleveland, O.—Born in Summit County, O., May 27, 1846. Entered Western Reserve College in 1863 and was graduated therefrom in 1867 with degree of Bachelor of Arts and secured the degree of Master of Arts from the same college in 1870. Read law in the office of the late Judge C. C. Baldwin, in Cleveland, and was associated with him until the death of Mr. Curtiss' father, in December, 1872, when he succeeded to the business interests of his father. He is one of the trustees of the Western Reserve Historical Society.

STURGES, SUSAN MATHEWS.—Third child and eldest daughter of the late Edward Sturges, Sr., and Mary Mathews Sturges, was born at Mansfield, O., September 22, 1842. She attended the public schools of that city until 1861, and later spending the greater part of two years at the Ohio Female College at College Hill, Cincinnati; graduated there with the class of 1862. She returned thence to the old homestead, at 100 West Park Avenue, Mansfield, O., which has been her lifelong home.

SWAYNE, WAGER.—Born at Columbus, O., November 10, 1834. Son of Judge Noah Haynes Swayne and Sarah Ann Wager, of West Virginia. Graduated at Yale 1856; Cincinnati Law School 1859. Practiced law as partner with his father for two years at Columbus. Was appointed Major of 43d Ohio Volunteers 1861; became Lieutenant Colonel and Colonel, Brigadier General and on June 20, 1865, Major General. After close of war continued in army, becoming Colonel, Brigadier and Major General of the regular troops. In 1870 he retired and resumed practice of law at Toledo, O.; in 1880 removed to New York City, where he became counsel for railroad and telegraph corporations.

THOMPSON, H. A.—Born in Centre County, Pa., March 23, 1837. In early life spent the winters at district school and summers on his father's farm. Attended Academy of Pine Grove Mills. Graduated from Jefferson College, Cannonsburg, Pa., 1858; studied theology in Western Theological Seminary, Allegheny City, Pa. Professor of Mathematics in Western College, Ia., one year; filled similar position in Otterbein University at Westerville, O., four years; Superintendent of Public Schools at Troy, O., four years; Professor of Mathematics Westfield College, Ill., one year. In 1813 elected President of Otterbein University, Westerville, in which capacity he served fourteen years. At this time his alma mater conferred on him degree of Doctor of Divinity and in 1886 Westfield College conferred on him degree of Doctor of Laws. Was Commissioner of Science and Education in connection with the Ohio Centennial Exposition. In 1881 was delegate to Methodist Ecumenical Conference, London, and made a brief tour of Great Britain, Ireland and the continent, spending a month in Palestine. Has published "Schools of the Prophets," "The Power of the Invisible," "Our Bishop," and has nearly ready for the press a work on "The Women of the Bible." Has been a member of the Ohio State Archæological and Historical Society from its origin and most of the time on its Board of Trustees. Was Associate Secretary of the Society and aided Mr. A. A. Graham in preparing the Society's exhibit at the Columbian Exposition. May, 1893, elected Assistant Editor Sunday School Literature United Brethren Church, which position he now fills. Located at Dayton, O.

THURMAN, ALLEN G.—Born Finchburg, Va., November 13, 1813. Son of Rev. P. Thurman and Miss Allen, of North Carolina. Moved to Chillicothe, O., 1819, and resided there till 1833, when he took up residence in Columbus. Read law with his uncle, Gov. William Allen, and Judge Noah H. Swayne. Admitted to bar 1835, and practiced till 1851, when elected Judge of Supreme Court of Ohio. Married Mary Dun, of Kentucky, in 1844. Elected to Congress 1844. Elected United States Senator 1866, and re-elected 1872. Appointed by President Garfield one of the three American representatives to the International Congress at Paris 1881. Nominated Vice President by National Democratic Convention 1888. Elected the first President of the Ohio State Archæological and Historical Society at its organization, March 12, 1885.

TIFFIN, DIATHEA MADISON.—Daughter of Gov. Edward Tiffin and Mary Porter Tiffin. Born in Washington, D. C., March 4, 1814. Her father was at that time United States Commissioner of the General Land Office. Soon afterward, having been appointed Surveyor General of the West, he returned to Chillicothe, O. In this historic old town, Miss Tiffin has spent the greater portion of her life. Education obtained at Dr. John Locke's celebrated school in Cincinnati.

TODD, JOSEPH H., M. D.—Resides at Wooster, Wayne county, O. Born in that county February 4, 1838. His ancestry on father's side were Scotch-Irish married to Welsh, and mother's Holland Dutch joined to English; included mariners and mechanics. Was raised to farm work and received principal primary education in a private school conducted by Edwin Oldroyd, Wooster, O., and at Vermillion Institute, Hayesville, O. Graduated in medicine at Bellevue Hospital Medical College, New York City, 1865. Returned to New York in 1870 and secured the place of "private student" in surgery with Frank H. Hamilton and Stephen Smith, and a working privilege in the physiological laboratory of Austin Flint, jr., and the pathological laboratory of Francis Dellafield, where he worked under instruction until the summer of 1871. In 1890 visited the hospitals of Europe in the interest of his profession. Was married in 1872 to Ophelia Campbell, of Dixon, Ills. Since 1865 devoted himself to practice of his profession. He is now making a historic collection of Wayne county's *reliquiæ*, which at present amounts to five or six thousand specimens.

TOWNSHEND, NORTON S.—Born December 25, 1815, at Northamptonshire, England. Came to this country with his parents in 1830, settling in Lorain county, O. His early education was chiefly acquired from his father's library. In 1836 taught district school, and in 1837 began study of medicine with Dr R. L. Howard, of Elyria; same winter attended lectures at Cincinnati Medical College. In winter of 1839 attended College of Physicians and Surgeons of New York, and was assistant in the chemical laboratory of Professor John Torry. Received degree of M. D. from University of New York in 1840. Delegate of Ohio Anti-Slavery Society to convention at London, June, 1840. Received private instructions in hospitals of Paris. Passed the winter in Edinburgh, and spring in Dublin. In 1841 returned to Ohio and began practice of his profession, first in Avon, then in Elyria. In 1848 was elected to the Legislature from Lorain county, and took an active part in securing the repeal of the "Black Laws" of Ohio, and cast the deciding vote which elected Salmon P. Chase to United States Senate; in 1850 member of Constitutional Convention of Ohio, and same year elected member of Thirty-second Congress. In 1853 elected to Ohio Senate, and instituted measures for establishing State institute for care of imbeciles; subsequently Trustee of this institution for twenty-one years. In 1864 united in a movement with others which resulted in establishing the Agricultural and Mechanical College of Ohio, now Ohio State University. In 1868-9, member of State Board of Agriculture. In 1863 appointed Medical Inspector, United States Army, with rank of Lieutenant Colonel, which position he held until end of war. In 1869 elected Professor of Agriculture in Iowa Agricultural College; in 1873 became Professor of Agriculture at Ohio State University. Dr. Townshend was married 1840;

his wife died a few years later. For his second wife he married in 1854 Margaret A. Bailey. Dr. Townshend died at his home in Columbus, O., July 14, 1895.

VANCE, JOHN L.—Born at Gallipolis, O., July 19, 1839; the son of Alexander and Eliza Shepard Vance. His ancestors on both sides were officers in the Revolutionary War, and his grandfather, Luther Shepard, of Gallipolis, held important command in the War of 1812. He was educated for the law, graduating from Cincinnati Law School in April, 1861, and the day following entered the volunteer service, organizing the first company of three months men in Gallia county. In June, 1861, organized three years company; was promoted to Major, Lieutenant Colonel, and finally to command of his regiment. At various times was in command of brigades. Participated in campaigns in West Virginia and Kentucky, 1861-62; Vicksburg campaign and siege, Jackson, Miss.; Mission Ridge, Knoxville campaigns, 1863, and the Shenandoah and Lynchburg campaigns, 1864. Was wounded five times, once very dangerously, and from the effects of which still suffers. Since the war has published the *Gallipolis Bulletin*, and is now its publisher and editor. Represented his district in two Democratic National Conventions, also represented his district in Congress, appointed and served on staff of Governor Campbell.

VINCENT, HENRY C., Vincent, O.—Born 1839. Grandparents came to Marietta in 1800 from Providence, R. I. Attended country school and worked on farm until 1856. Learned telegraphy and entered service of Marietta & Cincinnati Railroad in spring of 1857. Remained in railroad service almost continuously ever since as telegraph operator, station agent, conductor, and as general freight and passenger agent, in which capacity at present employed on the Toledo & Ohio Central Extension Railroad. Was for a short time in 1863 in the Military Telegraph Corps under General Thomas.

WARNER, A. J.—Born in Erie county, N. Y., 1834. At the age of eleven years, moved with his father to Walworth county, Wis. Four years later his father died, leaving him to take charge of the prairie farm. Worked on farm and attended district schools in winter when not required to work at home, until eighteen years old. Later education received in preparatory department in Beloit College and at the New York Central College. In 1856, married Susan E. Butts, Wayne county, N. Y., and went to Pennsylvania, where he engaged successively as Principal of Lewistown Academy, Superintendent public schools of Mifflin county, and Union schools at Mercer. Entered the army in April, 1861, as Captain of a company composed largely of students. Promoted to Lieutenant-Colonel,

Colonel and brevetted Brigadier General. Served in Army of Potomac till after the battle of Gettysburg and severely wounded at Antietam. After severe operation, joined his command, then near Washington, and finished the Gettysburg campaign with his regiment. Commissioned Colonel in Veteran Reserve Corps. Resigned this commission in 1866. While teaching studied law and was admitted to the bar at Indianapolis in 1865. Located at Marietta, Ohio, and engaged in business, chiefly construction of railroads. Represented Marietta District in 46th, 48th and 49th Congresses. President of American Bimetallic League since its organization.

WILLIAMS, ISRAEL.—Was born August 24, 1827, in Montgomery county, O. Was brought up on a farm in Champaign county, and attended country schools during the winters until eighteen years of age; then left the farm and taught school to obtain means to pay for an education. Attended high school at Springfield, college at Granville, now Denison University; also at Farmer's College, graduating at the latter in 1853. Read law, and graduated at the Cincinnati Law School in 1855. Has practiced law successfully and profitably in the State and Federal Courts, having his office in Hamilton, O., since May 1, 1856. Has never held or sought an elective political office. Devoted considerable attention to the study of geology, mineralogy and archæology. Has been a contributing member of the Ohio State Archæological and Historical Society since its organization. Has been a member of its Board of Trustees since February 19, 1891.

WING, LUCIUS B.—Born at Wilmington, Vt., November, 1822. His father was a Revolutionary soldier, and traces his lineage through eight generations to his English ancestor, John Wing, who landed in Boston June 4, 1632. Educated on his father's farm, in the public schools and at Williston Academy, near Northampton, Mass. Teacher in western Massachusetts from 1840 to 1845. Five years clerk on steamer "DeWitt Clinton," plying upon Lake Erie and upper lakes. Engaged in business for himself at Newark, O., in 1853, where he now resides. Helped to organize banking house of Robbins, Wing & Warner, 1860, and now President of its successor, "The Franklin Bank Company." In 1855 married Mary M. Mayhew, of Charlemont, Mass., a lineal descendant of Gov. Thomas Mayhew, original patentee of Nantucket & Martha's Vineyard. In 1854, purchased Government land in Piatt county, Ills., which he developed into productive farm, the home of an excellent herd of Short Horn cattle, 1876, elected to the Ohio State Board of Agriculture; its President in 1880. Appointed Trustee of Ohio State University by Governor Foster, 1881; reappointed by Governor Foraker in 1888, and to a third term by Governor McKinley in 1895. Is now President of Ohio Society of "Sons of the American Revolution," but has never held any distinctively political office.

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